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Message of the President of the
U. S. and accompanying docu-
ments, to the two Houses of Congress,
at the commencement of the first
session of the thirty-eighth Congress.
Part I.

[Amnesty proclamation and
Diplomatic Correspondence.]

Date, Dec. 8, 1863.

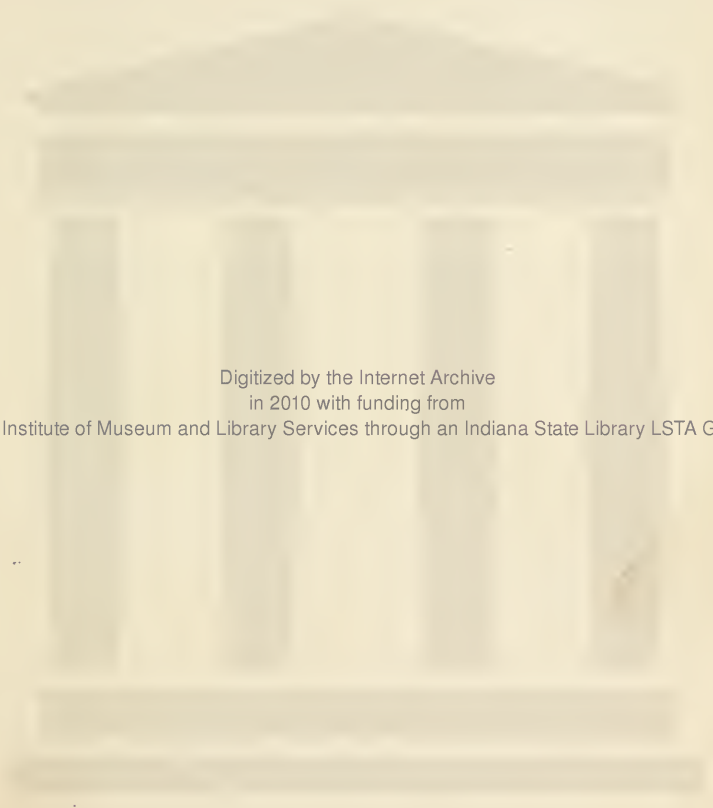


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Message of the President
of the United States.

Date, Dec. 8, 1863.





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MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
AND
ACCOMPANYING DOCUMENTS,
TO THE
TWO HOUSES OF CONGRESS,
AT
THE COMMENCEMENT OF THE FIRST SESSION
OF
THE THIRTY-EIGHTH CONGRESS.

PART I.



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PAPERS

RELATING TO

FOREIGN AFFAIRS.

1888

ADDITIONAL RECORDS

No.	Name	Age	Sex	Color	Religion	Profession	Marital Status	Place of Birth	Parents	Education	Religious	Political	Other
1	John	25	M	W	C	Farmer	M	Ill.	John & Mary	Common	Pres.	Rep.	
2	Mary	22	F	W	C	Housewife	M	Ill.	John & Mary	Common	Pres.	Rep.	
3	James	18	M	W	C	Student	S	Ill.	John & Mary	Common	Pres.	Rep.	
4	Elizabeth	30	F	W	C	Teacher	M	Ill.	John & Mary	Common	Pres.	Rep.	
5	William	15	M	W	C	Student	S	Ill.	John & Mary	Common	Pres.	Rep.	
6	Anna	28	F	W	C	Housewife	M	Ill.	John & Mary	Common	Pres.	Rep.	
7	Robert	12	M	W	C	Student	S	Ill.	John & Mary	Common	Pres.	Rep.	
8	Sarah	20	F	W	C	Housewife	M	Ill.	John & Mary	Common	Pres.	Rep.	
9	Charles	10	M	W	C	Student	S	Ill.	John & Mary	Common	Pres.	Rep.	
10	Lucy	18	F	W	C	Housewife	M	Ill.	John & Mary	Common	Pres.	Rep.	

PAPERS

RELATING TO

FOREIGN AFFAIRS.

GREAT BRITAIN.

No.	From whom and to whom.	Date.	Subject.	Page.
259	DESPATCHES. Mr. Adams to Mr. Seward.	1862. Nov. 13	The French proposition to Russia and England of intervention in the civil war in the United States. The policy of European powers.	3
414	Mr. Seward to Mr. Adams.	Nov. 30	The same subject.....	4
260	Mr. Adams to Mr. Seward.	Nov. 13	Piratical depredations of the gunboat 290...	4
261	.....do.....	Nov. 15	The French proposition of intervention. The English and Russian replies to it.	5
262	.....do.....	Nov. 20	The construction of war vessels for the insurgents in British ports. Depredations on American commerce.	6
265	.....do.....	Nov. 27	The same subject.....	10
266	Mr. Adams to Mr. Seward.	Nov. 27	Correspondence with Earl Russell in relation to supposed attempts to enlist recruits in Great Britain for the United States army.	11
415	Mr. Seward to Mr. Adams.	Nov. 30	Situation of military and naval affairs. Meeting of Congress. The President's message.	13
268	Mr. Adams to Mr. Seward.	Dec. 4	Effects of the continuance of the insurrection upon commerce and public opinion in Europe.	13
418	Mr. Seward to Mr. Adams.	Dec. 8	The French proposition of intervention. Relations with Great Britain.	14
421	.....do.....	Dec. 8	The depredations upon American commerce.	16
271	Mr. Adams to Mr. Seward.	Dec. 11	Tone of public sentiment and parliamentary debates.	17
423	Mr. Seward to Mr. Adams.	Dec. 13	The alleged enlistments in Great Britain for the United States army.	19
425	.....do.....	Dec. 15	Military and naval operations.....	19
275	Mr. Adams to Mr. Seward.	Dec. 18	Reaction in popular sentiment in Great Britain. Efforts of the emissaries and friends of the insurgents. War vessels building for them.	20

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
278	Mr. Adams to Mr. Seward.	Dec. 19	Transmitting a note of Earl Russell conceding that the reports of recruiting in Great Britain for the United States army were without foundation.	29
429	Mr. Seward to Mr. Adams.	Dec. 20	Claims of American ship-owners, based on depredations of the Alabama.	29
431	.....do.....	Dec. 21	Relations with Great Britain; evidences of friendship and causes of alienation.	30
280	Mr. Adams to Mr. Seward.	Dec. 24	Transmitting communications to and from the consul at Gibraltar in regard to attempts to sell the Sumter.	30
281	.....do.....	Dec. 25	The depredations of the Alabama. Correspondence with Earl Russell.	38
435	Mr. Seward to Mr. Adams.	Dec. 29	Public sentiment in the United States and Great Britain towards each other.	43
		1863.		
286	Mr. Adams to Mr. Seward.	Jan. 1	Continuation of correspondence with Earl Russell in reference to the Alabama.	43
287	.....do.....	Jan. 1	The sale of the Sumter.....	53
440	Mr. Seward to Mr. Adams.	Jan. 5	Situation of military and naval affairs.....	53
443	.....do.....	Jan. 5	The case of the Emily St. Pierre.....	54
292	Mr. Adams to Mr. Seward.	Jan. 8	The sale of the Sumter.....	55
293	.....do.....	Jan. 8	The depredations of the Alabama.....	56
	Mr. Moran to Mr. Seward.	Jan. 9	Execution of the assassins of Mr. Meriam at Adrianople in Turkey.	56
448	Mr. Seward to Mr. Adams.	Jan. 13	Progress of military and naval affairs. Measures for emancipation.	57
450	.....do.....	Jan. 14	The depredations of the Alabama.....	58
296	Mr. Adams to Mr. Seward.	Jan. 15	The question of the Scheldt dues. Effect of the proclamation of emancipation and of military events upon public opinion.	58
451	Mr. Seward to Mr. Adams.	Jan. 16	The case of the Sumter.....	59
298	Mr. Adams to Mr. Seward.	Jan. 16	Transmitting address to the President, and resolutions of a public meeting at Sheffield. Formation of an emancipation society at Manchester.	59
299	.....do.....	Jan. 16	Transmitting resolutions of the executive committee of the London Emancipation Society.	62
	Mr. Moran to Mr. Seward.	Jan. 17	Transmitting a report of the reception by Mr. Adams of a deputation of the London Emancipation Society.	63
454	Mr. Seward to Mr. Adams.	Jan. 19	The case of the Alabama. Intercepted correspondence of the insurgents with their agents abroad.	67
455	Mr. Seward to Mr. Adams.	Jan. 19	Military success in Arkansas.....	92
300	Mr. Adams to Mr. Seward.	Jan. 22	Effect of current events upon opinions in England. Addresses to the President from Salford, Chesterfield, and Cobham, and resolutions from Cross Hills.	92
301	.....do.....	Jan. 22	Case of the steamer Georgiana; investigation of her character and destination. Correspondence with Earl Russell.	96
304	.....do.....	Jan. 23	Case of the Dutch vessel captured for violating the blockade in the Crimean war, similar to the case of the Emily St. Pierre.	100

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
305	Mr. Adams to Mr. Seward.	Jan. 23	The sale of the Sumter.....	101
307	.....do.....	Jan. 23	Speeches of Mr. Milner Gibson and the Duke of Argyle.	102
460	Mr. Seward to Mr. Adams.	Jan. 26	The address of the workingmen of London to the President. The military situation.	103
310	Mr. Adams to Mr. Seward	Jan. 29	Further correspondence with Earl Russell in reference to the Alabama.	103
311	.....do.....	Jan. 29	Further correspondence in reference to the steamer Georgiana.	107
313	.....do.....	Jan. 30	Meetings at Exeter Hall, at Bradford in Yorkshire, at Strand in Gloucestershire, and at Bristol.	112
462	Mr. Seward to Mr. Adams.	Jan. 30	Schemes of the insurgents for transmitting gold to Great Britain to buy and fit out ships-of-war.	113
466	.....do.....	Feb. 2	Memorial from the New York Mutual Insurance Company relative to losses by depredations of the Alabama.	114
467	.....do.....	Feb. 3	Acknowledgment of resolutions of the London Emancipation Society.	114
468	.....do.....	Feb. 3	Acknowledgment of proceedings of the Emancipation Society at Manchester.	114
469	.....do.....	Feb. 4	The military situation and state of public sentiment.	115
315	Mr. Adams to Mr. Seward.	Feb. 5	Proceedings of meetings at Glasgow, London and Liverpool, and of the British and Foreign Anti-Slavery Society.	115
316	.....do.....	Feb. 6	The Queen's speech and debates in Parliament upon American affairs.	123
472	Mr. Seward to Mr. Adams.	Feb. 10	Military and naval affairs.....	127
319	Mr. Adams to Mr. Seward.	Feb. 12	The President's reply to the Manchester address. The capitalization of the Scheldt dues.	127
320	.....do.....	Feb. 12	Addresses and resolutions of meetings held at Leeds, at Galashiels, at Bath, at Bromley, and at South London.	128
321	.....do.....	Feb. 13	The enlistment law admitted by the cabinet to be sufficiently effective.	131
322	.....do.....	Feb. 13	Remonstrance against the building and fitting out of ships-of-war for the insurgents in British ports.	132
324	.....do.....	Feb. 13	Departure of the Sumter from Gibraltar.	133
475	Mr. Seward to Mr. Adams.	Feb. 13	Acknowledgment of proceedings of meetings at Chesterfield, Salsford, and Cross Hills.	134
476	.....do.....	Feb. 14	Acknowledgment of proceedings of meeting at Cobham.	134
478	.....do.....	Feb. 14	The case of the Emily St. Pierre.	134
479	.....do.....	Feb. 14	The case of the Georgiana.....	135
483	.....do.....	Feb. 19	The case of the Alabama. Case of the Sunbeam. The subject of letters of marque and reprisal.	135
327	Mr. Adams to Mr. Seward.	Feb. 19	Proceedings of meetings in Lancashire and South Wales.	136
328	.....do.....	Feb. 19	Alleged transport of money for the insurgents in her Britannic Majesty's steamer Vesuvius.	137
331	.....do.....	Feb. 19	The resolutions of the New York Mutual Insurance Company.	138

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
333	Mr. Adams to Mr. Seward.	Feb. 20	Arrival of the Sumter at Liverpool.....	139
485	Mr. Seward to Mr. Adams.	Feb. 24	State of affairs and opinion.....	140
486	.....do.....	Feb. 25	Acknowledgment of the proceedings of meeting in the Tower Hamlets.	140
487	.....do.....	Feb. 26	Improvement in public feeling between Great Britain and the United States.	140
334	Mr. Adams to Mr. Seward.	Feb. 26	Proceedings of meetings at Aberdane, Oldham, Rawtenstall, in Lancashire, Luddenden Foot, Yorkshire, Paisley, Edinburgh, and Carlisle.	141
335	.....do.....	Feb. 26	Case of the Emily St. Pierre.....	147
337	.....do.....	Feb. 26	European policy in reference to Poland, Mexico, and the United States.	148
338	.....do.....	Feb. 27	Action of the British government in regard to the shipment of money in her Britannic Majesty's ship Vesuvius for the insurgents. Dismissal of Acting Consul Magee. Orders given to forbid any similar shipment.	149
488	Mr. Seward to Mr. Adams.	Mar. 2	Acknowledgment of proceedings of meeting at Stroud.	149
489	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting at Glasgow.	150
490	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting of the British and Foreign Anti-Slavery Society.	150
491	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting at Bradford.	151
492	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting at Galashiels.	151
493	.....do.....	Mar. 2	The British foreign enlistment law, and its enforcement.	151
494	.....do.....	Mar. 2	Aeknowledgment of proceedings of meeting at Bath.	152
495	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting at South London.	152
496	.....do.....	Mar. 2	The President's reply to the workingmen of Manchester.	153
497	.....do.....	Mar. 2	Acknowledgment of proceedings of meeting at Leeds.	153
498	.....do.....	Mar. 2	Acknowledgment of proceedings of meetings.	153
500	.....do.....	Mar. 2	Approval of remonstrance based on intercepted correspondence of the insurgents.	154
339	Mr. Adams to Mr. Seward.	Mar. 5	Addresses and resolutions from Newcastle-upon-Tyne, Huddersfield, Ashford, Ashton-under-Lyne, Manchester, Marsley, and Leeds.	154
343	.....do.....	Mar. 6	Aeknowledgment of the prompt action of the British government in the case of Acting Consul Magee.	162
344	.....do.....	Mar. 6	Mexican and Polish affairs.....	162
505	Mr. Seward to Mr. Adams.	Mar. 9	Destruction of the Jacob Bell by the pirate Florida. Necessity of adopting the policy of issuing letters of marque if hostile vessels are permitted to be despatched from British ports.	163
507	.....do.....	Mar. 11	Aeknowledgment of proceedings of meetings in England and Wales.	164

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
509	Mr. Seward to Mr. Adams.	Mar. 11	Approval of proceedings relative to resolutions of New York Mutual Insurance Company.	164
510	.....do.....	Mar. 11	Approval of proceedings in relation to the Sumter.	165
349	Mr. Adams to Mr. Seward.	Mar. 13	Correspondence with Earl Russell in regard to despatch of hostile vessels from British ports.	165
350	.....do.....	Mar. 13	Proceedings of meetings in Cirencester, Gloucestershire, and Lancashire.	167
511	Mr. Seward to Mr. Adams.	Mar. 14	Proceedings of New York Chamber of Commerce in reference to the piratical depredations on American commerce.	168
512	.....do.....	Mar. 16	Acknowledgment of proceedings of meeting at Birmingham.	168
513	.....do.....	Mar. 16	Acknowledgment of proceedings of meetings at Edinburgh, Paisley, Luddenden Foot, Halifax, Aberdane, Oldham, Merthyr-Tydvil, Carlisle, and Rawtenstall.	169
514	.....do.....	Mar. 16	European opinion; Mr. Mercier's visit to Richmond.	171
515	.....do.....	Mar. 16	Acknowledgment of action of British government in the case of Acting Consul Magee.	171
351	Mr. Adams to Mr. Seward.	Mar. 19	Proceedings of meetings at Southampton and Newark-upon-Trent.	172
352	.....do.....	Mar. 19	Correspondence with Earl Russell in regard to the Sumter, the loan of the insurgents, and the building of war ships for their use.	173
353	.....do.....	Mar. 21	Documents relating to American affairs furnished to Parliament.	176
521	Mr. Seward to Mr. Adams.	Mar. 23	Remonstrance occasioned by the hospitalities of the British local authorities at Barbadoes to the piratical steamer Florida.	177
522	.....do.....	Mar. 24	Condition of affairs	178
523	.....do.....	Mar. 24	The reputed owners of the Sumter agents of the insurgents.	178
528	.....do.....	Mar. 26	The dismissal of the British acting consul at Mobile.	178
354	Mr. Adams to Mr. Seward.	Mar. 26	The cotton loan of the insurgents negotiated in England.	179
355	.....do.....	Mar. 26	Debate in Parliament on American affairs; satisfactory remarks of Earl Russell.	180
356	.....do.....	Mar. 27	Conference with Earl Russell on the building and sending out from British ports of ships-of-war for the insurgents.	180
357	.....do.....	Mar. 27	Correspondence with Earl Russell in reference to the fitting out of an armed vessel at Glasgow for the insurgents.	183
358	.....do.....	Mar. 27	Proceedings of the meeting of the London Trades Union; also of meetings at Bradford and Great Horton.	185
531	Mr. Seward to Mr. Adams.	Mar. 28	The case of the piratical steamer Georgiana.	187
532	.....do.....	Mar. 28	The reception of the Florida at Nassau.	188
359	Mr. Adams to Mr. Seward.	Mar. 28	Debate in the House of Commons on American affairs.	188
534	Mr. Seward to Mr. Adams.	Mar. 31	Acknowledgment of proceedings of meetings at Cirencester and Bolton.	213
536	.....do.....	Mar. 31	The marriage of the Prince of Wales.....	213

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
538	Mr. Seward to Mr. Adams.	April 2	The building and fitting out in British ports of armed vessels for the destruction of American commerce.	213
360	Mr. Adams to Mr. Seward.	April 2	Proceedings of meetings at Woolwich and Bingley.	214
362	.....do.....	April 3	Further correspondence with Earl Russell in reference to armed ships building and fitting out for the insurgents. State of the public feeling.	216
363	.....do.....	April 3	The same subject	220
364	.....do.....	April 3	Deposition of Clarence R. Yonge, paymaster of the Alabama.	221
366	.....do.....	April 7	The Alexandria taken possession of and detained by the British government. Cases of the Peterhoff and Magicienne.	223
540	Mr. Seward to Mr. Adams.	April 7	State of public feeling	231
367	Mr. Adams to Mr. Seward.	April 8	The sailing of the Virginia for Alderney....	231
542	Mr. Adams to Mr. Adams.	April 8	Destruction of the bark Golden Rule by the Alabama.	232
368	Mr. Adams to Mr. Seward.	April 9	The case of the Alexandria	233
369	.....do.....	April 9	Correspondence with Earl Russell in regard to the intercepted despatches of the insurgents.	237
370	.....do.....	April 9	Further correspondence with Earl Russell in regard to the Phantom, the Southerner, and the Alexandria.	242
545	Mr. Seward to Mr. Adams.	April 10	The building and fitting out of hostile vessels in British ports.	243
547	.....do.....	April 10	Foreign projects of intervention in American affairs.	244
548	.....do.....	April 13	Legal questions arising in reference to the execution of the British foreign enrolment act. Mr. Evarts instructed to proceed to London.	245
549	.....do.....	April 13	Military and naval affairs	246
374	Mr. Adams to Mr. Seward.	April 16	Case of the Georgiana	246
375	.....do.....	April 16	Proceedings of meetings at Leicester and Preston.	248
376	.....do.....	April 17	Further correspondence with Earl Russell in reference to the Alexandria.	249
378	.....do.....	April 17	The allegations of enlistments of recruits in Great Britain for the United States service formally denied.	251
379	.....do.....	April 17	The sailing of the Virginia. Further correspondence with Earl Russell in regard to it.	252
554	Mr. Seward to Mr. Adams.	April 20	The statements of Clarence R. Yonge, pretended paymaster of the Alabama.	254
560	.....do.....	April 21	The mail of the Peterhoff forwarded to its destination unopened. The vessel left to the action of the courts.	255
562	.....do.....	April 22	Expression of satisfaction at the proceedings of Earl Russell in regard to the Alexandria, and approval of the course of Mr. Adams.	255
563	.....do.....	April 22	Approval of Mr. Adams's proceedings in the case of the Virginia, (or Japan.)	255

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
385	Mr. Adams to Mr. Seward.	April 23	The agents of the insurgents purchasing vessels for the purpose of running the blockade.	256
386	.....do.....	April 23	Further correspondence with Earl Russell in regard to the fitting out of hostile vessels in British ports.	256
389	.....do.....	April 24	Further correspondence with Earl Russell in regard to the Sumter.	257
391	.....do.....	April 24	The departure of the Virginia, (or Japan)..	258
392	.....do.....	April 24	Further correspondence with Earl Russell in reference to the supposed enlistments of men in Great Britain for the United States service.	259
565	Mr. Seward to Mr. Adams.	April 24	Approval of proceedings of Mr. Adams in reference to the fitting out of vessels in British ports.	261
566	.....do.....	April 24	Approval of proceedings of Mr. Adams in reference to the intercepted despatches of the insurgents.	261
568	.....do.....	April 25	Acknowledgment of resolutions, addresses, and proceedings of meetings in Great Britain.	262
569	.....do.....	April 25	Acknowledgment of the proceedings of the meeting in Exeter Hall.	263
395	Mr. Adams to Mr. Seward.	April 30	The fitting out of hostile vessels in British ports. Legal proceedings in the courts.	264
396	.....do.....	April 30	Correspondence submitted to Parliament in reference to the intercepted despatches and agents of the insurgents in England.	266
397	.....do.....	April 30	The memorial of the Panama Railroad Company in reference to the destruction of a vessel by the Alabama.	271
398	.....do.....	April 30	Papers submitted to Parliament in reference to the alleged enlistments of men in Great Britain for the United States service.	272
400	.....do.....	May 1	Note to Earl Russell in reference to the loan for the insurgents.	274
401	.....do.....	May 1	Debates in Parliament on American affairs..	275
403	.....do.....	May 1	Projects for smuggling by way of the Rio Grande.	276
575	Mr. Seward to Mr. Adams.	May 4	The case of the Virginia.....	276
576	.....do.....	May 4	The death of Sir G. C. Lewis.....	276
577	.....do.....	May 5	Acknowledgment of proceedings of meetings at Leicester, Preston, and Coventry.	276
578	.....do.....	May 5	Approval of correspondence with Earl Russell in reference to judicial proceedings.	277
579	.....do.....	May 5	Military movements.....	277
580	.....do.....	May 5	Approval of proceedings in reference to the allegations of enlistments for the United States service in Great Britain.	277
581	.....do.....	May 5	Case of the Georgiana.....	278
586	.....do.....	May 7	Case of the Sumter.....	278
405	Mr. Adams to Mr. Seward.	May 7	The proceedings of the Trades Union meeting. Favorable change of tone of public sentiment in regard to the United States.	278
406	.....do.....	May 7	Further correspondence with Earl Russell in regard to the alleged enlistments.	286
407	.....do.....	May 7	The destruction of the bark Golden Rule by the Alabama.	287
408	.....do.....	May 7	Note to Earl Russell in regard to measures for facilitating the taking of testimony.	288

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
409	Mr. Adams to Mr. Seward.	May 8	The loan for the insurgents and the action taken, in consequence, by the President in regard to the shipment of cotton.	289
410	.....do.....	May 8	Correspondence with Earl Russell respecting emigration to the United States.	289
411	.....do.....	May 8	Arrival of Mr. Evarts. Case of the Alexandria; purchases of steamers by the agents of the insurgents.	290
588	Mr. Seward to Mr. Adams.	May 9	The blockade and the efforts to violate it....	291
589	.....do.....	May 9	Emigration from Great Britain, and Ireland, and the alleged enlistments.	291
590	.....do.....	May 9	The intercepted correspondence of the insurgents.	292
414	Mr. Adams to Mr. Seward.	May 14	Further correspondence with Earl Russell in regard to the Sumter.	292
593	Mr. Seward to Mr. Adams.	May 18	Answer to complaint of Earl Russell in relation to a letter to Admiral DuPont.	293
597	.....do.....	May 18	The alleged enlistments.....	293
599	.....do.....	May 18	Legal proceedings against persons building, arming, and equipping war vessels for the insurgents in British ports.	294
601	.....do.....	May 19	British trade with Matamoras.....	294
602	.....do.....	May 19	The military situation. Growth of public confidence.	294
604	.....do.....	May 23	Acknowledgment of the address of the Trades Union meeting.	295
417	Mr. Adams to Mr. Seward.	May 21	Resolutions of the city of York.....	295
605	Mr. Seward to Mr. Adams.	May 23	The blockade and attempted violations of it..	296
607	.....do.....	May 24	Military successes obtained by General Grant and General Banks.	297
425	Mr. Adams to Mr. Seward.	June 5	Cases of the Alexandria, the Phantom, the Southerner, and the Sumter.	297
427	.....do.....	June 5	Debates in Parliament on American affairs..	311
620	Mr. Seward to Mr. Adams.	June 5	The improved tone of public opinion in Great Britain respecting the United States.	312
622	.....do.....	June 19	The resolutions of the citizens of York.....	312
428	Mr. Adams to Mr. Seward.	June 11	Growing indisposition to interfere in American affairs.	312
629	Mr. Seward to Mr. Adams.	June 17	The fitting out of hostile vessels in British ports.	314
630	.....do.....	June 18	The destruction of the ship Golden Eagle by the Alabama.	315
631	.....do.....	June 18	The interruption of diplomatic intercourse between Great Britain and Brazil.	315
632	.....do.....	June 18	Lord Palmerston's exposition of the amended slave-trade treaty.	316
432	Mr. Adams to Mr. Seward.	June 18	The fitting out of hostile vessels in British ports.	316
434	.....do.....	June 19	Debate in Parliament respecting the action of United States vessels on the ocean.	317
634	Mr. Seward to Mr. Adams.	June 22	Military and naval operations.....	318
437	Mr. Adams to Mr. Seward.	June 25	Correspondence between M. D. Conway and Mr. Mason.	318
438	.....do.....	June 26	Case of the Alexandria.....	319
635	Mr. Seward to Mr. Adams.	June 29	The military and naval situation.	347

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
636	Mr. Seward to Mr. Adams.	June 29	False clearances said to be granted at Nassau in aid of attempts to violate the blockade.	348
441	Mr. Adams to Mr. Seward.	July 1	Proceedings in the House of Commons on Mr. Roebuck's motion.	348
445	.....do.....	July 2	Proceedings of meetings at Bolton and Dolgelly. Efforts of sympathizers with the insurgents to create popular action in their behalf.	348
446	.....do.....	July 3	Parliamentary proceedings on Mr. Roebuck's motion.	349
447	.....do.....	July 3	Mr. Evarts's return. Case of the Alexandria.	350
644	Mr. Seward to Mr. Adams.	July 6	Military operations.....	351
448	Mr. Adams to Mr. Seward.	July 9	Parliamentary debates on American affairs..	351
449	.....do.....	July 10	Armed vessels for the insurgents fitting out in British ports.	352
651	Mr. Seward to Mr. Adams.	July 11	The policy to be pursued in regard to maritime questions in view of the result in the case of the Alexandria.	354
652	.....do.....	July 13	The proposed telegraph from St. Petersburg to San Francisco by way of Behring's Straits.	358
653	.....do.....	July 13	Approval of proceedings of Mr. Adams.....	358
654	.....do.....	July 13	The correspondence of Mr. Conway with James M. Mason.	358
655	.....do.....	July 14	Progress of military and naval operations...	359
	.....do.....	July 15	Surrender of Port Hudson and retreat of Lee from the Potomac.	359
452	Mr. Adams to Mr. Seward.	July 16	Withdrawal of Mr. Roebuck's motion.....	360
453	.....do.....	July 16	The iron-clad vessels fitting out for the insurgents.	360
454	.....do.....	July 16	Claims in the cases of the Golden Eagle and the Henrietta. The outfit of the Japan.	363
656	Mr. Seward to Mr. Adams.	July 18	Mr. Roebuck's proposition. Correction of misstatement in reference to a communication of Mr. Drouyn de l'Huys.	364
657	.....do.....	July 20	The military situation. The New York riot	365
660	.....do.....	July 23	Acknowledgment of proceedings of meetings.	365
661	.....do.....	July 23	Acknowledgment of despatches.....	366
662	.....do.....	July 23	The same.....	366
456	Mr. Adams to Mr. Seward.	July 23	Effect in England of the news of the fall of Vicksburg and defeat of Lee. European complications.	366
459	.....do.....	July 24	The iron-clad vessels fitting out for the insurgents.	367
663	Mr. Seward to Mr. Adams.	July 24	Preparations to resist the attack of the vessels fitting out in British ports.....	369
664	.....do.....	July 24	The intercepted insurrectionary correspondence.	369
665	.....do.....	July 28	The military situation.....	370
666	.....do.....	July 28	Reply to communication from meeting in Manchester.	370
667	.....do.....	July 29	Approval of remonstrance in regard to the preparation of the steam rams. The insurrection must fail if it does not receive new and extensive foreign aid.	371
668	.....do.....	July 29	Approval of proceedings of Mr. Adams in regard to claims in the cases of vessels destroyed by the Alabama.	371

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
669	Mr. Seward to Mr. Adams.	July 30	The crisis of the war. Waning power of the insurgents. Indications that Great Britain and the United States are drifting towards hostilities. The consequences of such a conflict. The means of averting it.	372
461	Mr. Adams to Mr. Seward.	July 30	Effect of the fall of Vicksburg and Port Hudson upon the loan for the insurgents, and upon public feeling. Parliament prorogued. The Queen's speech.	376
463	.....do.....	July 31	The iron-clad vessels fitting out for the insurgents at Liverpool.	377
672	Mr. Seward to Mr. Adams.	Aug. 7	Silver captured from American vessels by the Florida taken to Bermuda, and thence to Liverpool.	385
673	.....do.....	Aug. 7	Case of the ship Nora, burned by the Alabama.	385
466	Mr. Adams to Mr. Seward.	Aug. 7	Loss of confidence in England in the prospects of the insurgents. The emancipation question.	386
674	Mr. Seward to Mr. Adams.	Aug. 6	Approval of proceedings in regard to the steam rams.	386
39	Circular.	Aug. 12	Review of the operations of the war on sea and land during the past year.	386
677	Mr. Seward to Mr. Adams.	Aug. 13	Case of the Alexandra.....	394
471	Mr. Adams to Mr. Seward.	Aug. 20	The iron-clad vessels building for the insurgents.	395
472	.....do.....	Aug. 20	The same subject	395
473	.....do.....	Aug. 21	The same subject	396
477	.....do.....	Aug. 21	The same subject	397
478	.....do.....	Aug. 21	Resolutions of the Union and Emancipation Society of Manchester.	400
479	.....do.....	Aug. 21	The fitting out of the Alabama. Denial of Mr. Welsman that he was on board during the trial trip.	402
480	.....do.....	Aug. 21	Acknowledgment of the fair and impartial conduct of the British authorities in enforcing the law against the repacking of gunpowder at Belize.	402
684	Mr. F. W. Seward to Mr. Adams.	Aug. 22	The capture and destination of the ship Red Gauntlet.	403
687	Mr. Seward to Mr. Adams.	Aug. 25	The reduction of Fort Sumter to ruins.....	404
481	Mr. Adams to Mr. Seward.	Aug. 27	The Florida off Queenstown. The bar silver brought to Liverpool.	404
483	.....do.....	Aug. 27	Note to Earl Russell in reference to French mediation.	405
688	Mr. Seward to Mr. Adams.	Aug. 31	Progress of military affairs. Failure of expectations of the insurgents based on the New York riots.	406
689	.....do.....	Sept. 2	Acknowledgment of friendly action of Rear Admiral Jones at Queenstown.	406
486	Mr. Adams to Mr. Seward.	Sept. 3	The iron-clad vessels building for the insurgents.	407
487	.....do.....	Sept. 3	Earl Russell's acknowledgment of copy of note to Mr. Dayton.	411
488	.....do.....	Sept. 4	Further correspondence in reference to the detention of iron-clad rams building for the insurgents.	412
490	.....do.....	Sept. 4	The same subject	413
491	.....do.....	Sept. 5	The same subject	415

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
695	Mr. Seward to Mr. Adams.	Sept. 5	Acknowledgment of the proceedings of the Union and Emancipation Society of Manchester.	415
696	..... do	Sept. 5	The statement in regard to Mr. Welsman...	415
697	..... do	Sept. 5	The iron-clad rams fitting out for the insurgents.	416
700	..... do	Sept. 5	The same subject	416
701	..... do	Sept. 7	Military and naval operations.	417
492	Mr. Adams to Mr. Seward.	Sept. 8	The iron-clad rams detained by order of the British government.	417
704	Mr. Seward to Mr. Adams.	Sept. 9	Expediency of requiring of the Mikado a ratification of the treaties between Japan and the western powers.	420
705	..... do	Sept. 10	Approval of proceedings of Mr. Adams.....	420
493	Mr. Adams to Mr. Seward.	Sept. 10	The decision of the British government to detain the rams.	420
710	Mr. Seward to Mr. Adams.	Sept. 17	Additional cases of American vessels destroyed by the Alabama.	421
497	Mr. Adams to Mr. Seward.	Sept. 17	Further correspondence with Earl Russell in reference to the detention of the iron-clad rams.	422
499	..... do	Sept. 17	The regulations in regard to the exportation of gunpowder from British Honduras.	430
500	..... do	Sept. 18	The claims for damages based on the deprecations of the Alabama.	430
714	Mr. Seward to Mr. Adams.	Sept. 19	Approval of proceedings of Mr. Adams.....	432
715	..... do	Sept. 19	The same	432
716	..... do	Sept. 19	The same	432
720	..... do	Sept. 22	The military situation.....	433
723	..... do	Sept. 26	Claims for damages on account of the destruction of American vessels by the Florida.	433
724	..... do	Sept. 28	The military situation	433
725	..... do	Sept. 28	The decision of the British government in regard to the detention of the iron-clads.	434
504	Mr. Adams to Mr. Seward.	Oct. 1	The same subject	434
505	..... do	Oct. 1	The Alabama at the Cape of Good Hope. Proceedings of the American consul and the colonial authorities.	436
728	Mr. Seward to Mr. Adams.	Oct. 5	Claim based on the destruction of the American ship Brilliant.	445
729	..... do	Oct. 5	The action of the British government in regard to the iron-clad rams.	445
730	..... do	Oct. 6	The claims based on the destruction of American vessels by the Alabama.	447
733	..... do	Oct. 9	The disposition of European powers in regard to intervention.	448
BRITISH LEGATION.				
		1862.		
	Mr. Wise to Mr. Stuart.	Oct. 18	The case of the Bermuda.....	449
	Mr. Seward to Mr. Stuart.	Oct. 24	The liability to military duty of aliens who have exercised the right of suffrage.	450
	Mr. Stuart to Mr. Seward.	Oct. 29	The exemption of public mails from seizure and visitation.	450
	Do	Nov. 1	The case of the Sunbeam.....	450
	Do	Nov. 3	The case of the Rowena.....	455
	Mr. Seward to Mr. Stuart.	Nov. 3	The exemption of public mails from detention or visitation.	456

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
	Mr. Seward to Mr. Stuart.	Nov. 3	The case of the Sunbeam.....	456
	Do	Nov. 6	The case of the Rowena.....	457
	Mr. Stuart to Mr. Seward.	Nov. 9	The case of the Sunbeam.....	457
	Mr. Seward to Mr. Stuart.	Nov. 11	The case of the Rowena.....	459
	Do	Nov. 11	The case of Francis Carroll.....	460
	Do	Nov. 12	The case of the seamen on board the Sunbeam.	461
	Mr. Seward to Lord Lyons.	Nov. 13	The case of the Labuan.....	461
	Do	Nov. 13	The case of John J. Shafer.....	462
	Do	Nov. 14	The same subject.....	462
	Lord Lyons to Mr. Seward.	Nov. 24	Complaints of alleged proceedings of Admiral Wilkes.	462
	Mr. Seward to Lord Lyons.	Nov. 24	The same subject.....	463
	Lord Lyons to Mr. Seward.	Nov. 24	The case of the Orion.....	464
	Mr. Seward to Lord Lyons.	Nov. 24	The same subject.....	464
	Do	Nov. 26	The case of the Sunbeam.....	465
	Lord Lyons to Mr. Seward.	Nov. 27	The instructions to commanders of United States vessels under the treaty for suppressing the slave trade.	467
	Do	Nov. 29	Claims of exemption from military service by persons who have declared their intentions to become citizens.	468
	Mr. Seward to Lord Lyons.	Dec. 3	The same subject	469
	Do	Dec. 5	The complaints of alleged proceedings of Admiral Wilkes.	469
	Lord Lyons to Mr. Seward.	Dec. 9	The exemption of public mails on captured vessels from search or seizure.	472
	Mr. Seward to Lord Lyons.	Dec. 10	The oath required of foreigners passing through the military lines.	472
	Do	Dec. 10	The case of the Blanche.....	473
	Lord Lyons to Mr. Seward.	Dec. 10	The case of John C. Stovin.....	474
	Mr. Seward to Lord Lyons.	Dec. 12	Claims of exemption from military service..	474
	Do	Dec. 12	The case of the Labuan.....	474
	Do	Dec. 16	Threats of firing upon United States vessels at Nassau, by H. B. M.'s ship Barracouta.	475
	Lord Lyons to Mr. Seward.	Dec. 19	Mails found on captured vessels.....	476
	Do	Dec. 19	The threats of firing upon United States vessels at Nassau.	476
	Do	Dec. 20	The case of the Will-of-the-Wisp	476
	Mr. Seward to Lord Lyons.	Dec. 22	The same subject.....	477
	Lord Lyons to Mr. Seward.	Dec. 29	Alleged refusal of Admiral Wilkes to communicate with H. B. M.'s ship Barracouta.	477
	Do	Dec. 29	Alleged exercise of belligerent rights by United States vessels within the Queen's dominions in the neighborhood of the Bahamas.	478
	Do	Dec. 31	The case of the Bermuda.....	481
	Mr. Seward to Lord Lyons.	Dec. 31	The alleged refusal of Admiral Wilkes to hold communication with a British cruiser.	482

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1862.		
•	Mr. Seward to Lord Lyons.	Dec. 31	The alleged exercise of belligerent rights by United States cruisers within British jurisdiction, in the neighborhood of the Bahamas	483
		1863.		
	Mr. Seward to Lord Lyons.	Jan. 3	The case of the Bermuda.....	483
	Do	Jan. 3	The case of George Baxter.....	483
	Lord Lyons to Mr. Seward.	Jan. 3	The case of John J. Shaver.....	484
	Do	Jan. 6	The case of Captain Sherwin, of the Rowena..	486
	Mr. Seward to Lord Lyons.	Jan. 7	The case of John J. Shaver.....	487
	Lord Lyons to Mr. Seward.	Jan. 8	The case of the Blanche	487
	Do	Jan. 9	Alleged exercise of belligerent rights within British jurisdiction.	488
	Mr. Seward to Lord Lyons.	Jan. 9	Proceedings of the collector of New York said to affect British trade with the Bahamas.	489
	Do	Jan. 10	Alleged exercise of belligerent rights by United States cruisers in British waters.	490
	Do	Jan. 10	The case of the Blanche.....	491
	Do	Jan. 12	Indian troubles on the frontiers.....	492
	Lord Lyons to Mr. Seward.	Jan. 12	The same subject.....	493
	Mr. Seward to Lord Lyons.	Jan. 15	The same subject.....	493
	Do	Jan. 15	Alleged exercise of belligerent rights by United States cruisers in British waters.	493
	Do	Jan. 17	The case of Captain Sherwin, of the Rowena..	395
	Lord Lyons to Mr. Seward.	Jan. 17	The case of the Blanche.....	495
	Do	Jan. 19	The same subject.....	495
	Do	Jan. 20	Alleged proceedings of Admiral Wilkes.....	496
	Mr. Seward to Lord Lyons.	Jan. 20	The case of the Orion.....	496
	Do	Jan. 22	Alleged proceedings of Admiral Wilkes.....	497
	Do	Jan. 26	The same subject	498
	Lord Lyons to Mr. Seward.	Jan. 26	Opening of the mixed commission court at the Cape of Good Hope, under the slave-trade treaty.	499
	Do	Jan. 26	Indian troubles on the northern frontiers....	499
	Do	Jan. 28	The case of the Elias Reed.....	500
	Mr. Seward to Lord Lyons.	Jan. 28	Instructions to cruisers under the slave-trade treaty	500
	Do	Jan. 28	The case of the Blanche	500
	Do	Jan. 29	Case of the Mont Blanc.....	500
	Do	Jan. 29	Devices for evading the blockade.....	501
	Do	Jan. 29	Condition of the prisoners captured at Fort Delaware.	501
	Lord Lyons to Mr. Seward.	Jan. 30	The case of the Mont Blanc.....	501
	Lord Lyons to British consuls.	Jan. 30	Instructions not to permit specie or goods to be sent away in British men-of-war from places under blockade.	502
	Mr. Seward to Lord Lyons.	Jan. 31	The case of the Elias Reed.....	503
	Lord Lyons to Mr. Seward.	Feb. 3	The case of the Golden Eagle.....	503
	Mr. Seward to Lord Lyons.	Feb. 5	The blockade at Galveston.....	504

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Lord Lyons to Mr. Seward.	Feb. 6	The same subject	504
	Do	Feb. 7	Supplies of arms to Indians on the frontier ..	505
	Mr. Seward to Lord Lyons.	Feb. 7	Intercourse between British and American cruisers in the Gulf.	505
	Do	Feb. 7	The case of John J. Shaver	506
	Lord Lyons to Mr. Seward.	Feb. 9	Intercourse between British and American cruisers in the Gulf.	508
	Mr. Seward to Lord Lyons.	Feb. 10	The case of Francis Carroll	508
	Do	Feb. 10	Case of the Thistle	508
	Do	Feb. 11	Case of the Mont Blanc	509
	Do	Feb. 16	The Oreto (or Florida) at Nassau	509
	Lord Lyons to Mr. Seward.	Feb. 17	The case of the Sunbeam	510
	Do	Feb. 18	The case of the Elias Reed	511
	Mr. Seward to Lord Lyons.	Feb. 18	The same subject	511
	Do	Feb. 19	The case of the Sunbeam	512
	Do	Feb. 20	Colored emigrants from the United States to the British West Indies.	512
	Do	Feb. 23	The case of the Elias Reed	512
	Lord Lyons to Mr. Seward.	Feb. 19	The reception of the Oreto (or Florida) at Nassau.	513
	Do	Feb. 21	Case of J. M. Vernon	513
	Mr. Seward to Lord Lyons.	Feb. 23	The case of the Thistle	515
	Do	Feb. 23	The case of J. M. Vernon	515
	Do	Feb. 24	The oath required of aliens carrying on business at Memphis.	515
	Do	Feb. 24	The case of J. M. Vernon	516
	Do	Feb. 28	Information respecting trade by way of Panama.	516
	Lord Lyons to Mr. Seward.	March 1	Dismissal of the British consul at Mobile for having shipped specie for the insurgents on board a British man-of-war.	516
	Mr. Seward to Lord Lyons.	March 2	Acknowledgment of the preceding note	517
	Do	March 3	Colored emigrants to the British West Indies.	517
	Lord Lyons to Mr. Seward.	March 3	The dismissal of the British consul at Mobile.	518
	Do	March 4	The same subject	518
	Mr. Seward to Lord Lyons.	March 5	The case of the Elias Reed	518
	Do	March 6	British men-of-war in blockaded ports	519
	Lord Lyons to Mr. Seward.	March 7	The case of the Telegraph	519
	Do	March 7	Alleged proceedings of Admiral Wilkes	522
	Mr. Seward to Lord Lyons.	March 9	The same subject	522
	Mr. F. W. Seward to Lord Lyons.	March 14	The same subject	522
	Lord Lyons to Mr. Seward.	March 16	The same subject	523
	Do	March 17	The case of the Will-o'-the-Wisp	524
	Do	March 19	Alleged violation of British territory by a party of United States soldiers.	524
	Mr. Seward to Lord Lyons.	March 20	The same subject	525
	Do	March 23	The oath administered to aliens in Memphis.	525
	Lord Lyons to Mr. Seward.	March 23	Public mails in captured vessels	526

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Lord Lyons to Mr. Seward.	March 23	Applications for permits to load cotton on the Savannah river.	527
	Mr. Seward to Lord Lyons.	March 24	The administration of oaths to aliens.....	527
	Lord Lyons to Mr. Seward.	March 25	The reception of the Oreto or Florida at Nassau.	527
	Do.....	March 26	Intercourse between naval officers of the United States and Great Britain.	529
	Do.....	March 27	Intercourse of British men-of-war with blockaded ports.	531
	Do.....	March 27	Intercourse between naval officers of the United States and Great Britain.	532
	Mr. Seward to Lord Lyons.	March 28	The reception of the Oreto or Florida at Nassau.	532
	Do.....	March 28	The case of the Peterhoff.....	533
	Do.....	March 28	Intercourse between naval officers of the United States and Great Britain.	533
	Do.....	March 28	Intercourse of British men-of-war with blockaded ports.	533
	Lord Lyons to Mr. Seward.	March 28	The case of the Labuan.....	534
	Mr. Seward to Lord Lyons.	March 30	Public mails in captured vessels.....	534
	Do.....	March 31	Intercourse between naval officers of the United States and Great Britain.	535
	Do.....	March 31	Attempt to fit out a privateer at Victoria, Vancouver's island, for the insurgents.	535
	Do.....	April 1	The administration of oaths to aliens.....	535
	Do.....	April 2	The case of the Will-o'-the-Wisp.....	536
	Do.....	April 2	The case of the Telegraph.....	536
	Lord Lyons to Mr. Seward.	April 2	The case of the Peterhoff.....	539
	Do.....	April 2	The attempt to fit out a privateer at Victoria, Vancouver's island.	541
	Do.....	April 3	The case of the Peterhoff.....	542
	Mr. Seward to Lord Lyons.	April 3	Case of the Labuan.....	544
	Do.....	April 3	Case of the Peterhoff.....	545
	Lord Lyons to Mr. Seward.	April 4	The case of John M. Vernon.....	545
	Mr. Seward to Lord Lyons.	April 4	Intercourse between naval officers of the United States and Great Britain.	546
	Do.....	April 4	The case of the Peterhoff.....	546
	Do.....	April 4	The case of the Hanover.....	547
	Do.....	April 6	The case of the Peterhoff.....	547
	Do.....	April 6	The same subject.....	548
	Do.....	April 7	The case of J. M. Vernon.....	548
	Lord Lyons to Mr. Seward.	April 7	The case of the Hanover.....	548
	Do.....	April 8	The case of the Peterhoff.....	548
	Do.....	April 9	The case of the Peterhoff.....	555
	Mr. Seward to Lord Lyons.	April 9	The case of the Labuan.....	555
	Do.....	April 9	Alleged proceedings of Admiral Wilkes.....	562
	Do.....	April 11	Intercourse between naval officers of the United States and Great Britain.	563
	Do.....	April 11	The mails of the Peterhoff.....	565
	Lord Lyons to Mr. Seward.	April 11	The same subject.....	565
	Mr. Seward to Lord Lyons.	April 13	The Florida allowed to coal at Barbadoes...	566

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Mr. Seward to Lord Lyons.	April 15	Attempts to fit out privateers at Victoria, Vancouver's island.	567
	Do.....	April 15	The case of the Peterhoff.....	567
	Do.....	April 15	The violation of British territory by a party of American soldiers.	568
	Lord Lyons to Mr. Seward.	April 16	The permission accorded to the Florida to coal at Barbadoes.	568
	Mr. Seward to Lord Lyons.	April 16	The case of the Peterhoff.....	568
	Lord Lyons to Mr. Seward.	April 16	The attempts to fit out privateers at Victoria, Vancouver's island.	569
	Do.....	April 17	The case of the Granite City.....	569
	Mr. Seward to Lord Lyons.	April 17	The mails of the Peterhoff.....	570
	Do.....	April 17	The case of the Granite City.....	570
	Do.....	April 20	The same subject.....	570
	Do.....	April 21	The supposed supply of arms to the Sioux Indians by the British authorities.	571
	Lord Lyons to Mr. Seward.	April 22	The case of the Magicienne.....	571
	Do.....	April 22	The case of the Sunbeam.....	571
	Do.....	April 22	The alleged proceedings of Admiral Wilkes in reference to British mail packets.	572
	Do.....	April 23	The case of John J. Shaver.....	572
	Do.....	April 23	The case of J. Hardecaste.....	573
	Mr. Seward to Lord Lyons.	April 23	The case of the Magicienne.....	573
	Do.....	April 24	Alleged violation of the sovereignty of the United States in Michigan by Canadian constables.	574
	Lord Lyons to Mr. Seward.	April 25	The case of Henry E. Green.....	576
	Mr. Hunter to Lord Lyons.	April 27	The case of John J. Shaver.....	578
	Lord Lyons to Mr. Seward.	April 27	The case of the Granite City.....	578
	Mr. Hunter to Lord Lyons.	April 28	The case of Henry E. Green.....	579
	Do.....	April 28	The case of J. Hardecastle.....	579
	Do.....	April 29	Alleged fitting out of a vessel for the insurgents at Nassau.	580
	Lord Lyons to Mr. Seward.	April 29	The case of the Dolphin.....	580
	Do.....	April 29	The case of the Antona.....	582
	Do.....	May 1	The case of the Mont Blanc.....	583
	Mr. Seward to Lord Lyons.	May 2	The case of the Granite City.....	583
	Do.....	May 4	The case of the Dolphin.....	583
	Lord Lyons to Mr. Seward.	May 4	The case of the Thistle and the Dolphin.....	584
	Mr. Seward to Lord Lyons.	May 5	The case of the Dolphin.....	585
	Lord Lyons to Mr. Seward.	May 6	The case of the Peterhoff.....	585
	Do.....	May 7	The case of the Dolphin.....	587
	Mr. Seward to Lord Lyons.	May 7	The case of the Mont Blanc.....	589
	Do.....	May 7	The case of the Dolphin.....	590
	Lord Lyons to Mr. Seward.	May 7	Proceedings in prize cases.....	591
	Do.....	May 7	The case of the Aden.....	592

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Mr. Seward to Lord Lyons.	May 7	The case of the Peterhoff	592
	Do	May 7	The case of the Adela	593
	Do	May 7	The case of J. Hardcastle	593
	Do	May 7	Reply to complaint against Mr. Adams in reference to a letter given to Leman and Howell.	594
	Do	May 9	Proceedings in prize cases	595
	Do	May 11	Oaths administered to aliens at New Orleans.	595
	Lord Lyons to Mr. Seward.	May 9	The alleged violation of the sovereignty of the United States by Canadian constables.	596
	Memorandum from Lord Lyons.	May —	British trade with Matamoras	596
	Lord Lyons to Mr. Seward.	May 9	The case of Ebenezer Tyler	597
	Mr. Seward to Lord Lyons.	May 12	British trade with Matamoras	597
	Do	May 12	The case of the Granite City	599
	Do	May 13	The case of the Peterhoff	602
	Do	May 14	The case of the Dolphin	602
	Do	May 14	The case of John J. Shaver	603
	Lord Lyons to Mr. Seward.	May 14	The case of J. M. Vernon	603
	Do	May 15	The alleged attempts to fit out privateers for the insurgents at Victoria, Vancouver's island.	604
	Mr. Seward to Lord Lyons.	May 15	The case of Ebenezer Tyler	604
	Do	May 15	The case of the Elias Reed	605
	Do	May 18	The alleged attempts to fit out privateers for the insurgents at Victoria, Vancouver's island.	605
	Lord Lyons to Mr. Seward.	May 18	Supplies of arms to Indians on the northern frontier.	606
	Do	May 18	Restrictions on trade between the United States and the Bahamas.	607
	Mr. Seward to Lord Lyons.	May 19	The case of J. M. Vernon	608
	Do	May 20	The case of the Dolphin	609
	Do	May 21	The case of the Mont Blanc	609
	Do	May 21	The case of the Elias Reed	610
	Lord Lyons to Mr. Seward.	May 21	The case of John J. Shaver	612
	Do	May 21	The alleged attempts to fit out privateers at Vancouver's island.	612
	Do	May 22	The case of the Mont Blanc	612
	Mr. Seward to Lord Lyons.	May 22	Supplies of arms to Indians on the northern frontier.	613
	Do	May 22	The case of the Adela	613
	Do	May 22	Restrictions on trade between the United States and the Bahamas.	614
	Do	May 22	The alleged attempts to fit out privateers for the insurgents at Vancouver's island.	614
	Do	May 23	The cases of John Hall and John Hardcastle.	614
	Do	May 23	The hostile Indians seeking refuge in British territory.	614
	Lord Lyons to Mr. Seward.	May 25	The case of the Aries	615
	Do	May 25	The case of the Adela	615
	Do	May 26	The case of the Telegraph	615
	Mr. F. W. Seward to Lord Lyons.	May 26	The case of J. M. Vernon	617

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Mr. F. W. Seward to Lord Lyons.	May 27	Intercourse between naval officers of the United States and Great Britain.	618
	Do	May 27	The case of the Aries.....	618
	Lord Lyons to Mr. Seward.	May 27	Supplies of arms to Indians on the northern frontier.	619
	Do	May 27	The case of Mr. Sherwin.....	619
	Do	May 28	The case of John Harcastle.....	620
	Mr. F. W. Seward to Lord Lyons.	May 28	The case of the Aries.....	621
	Do	May 29	Supplies of arms to Indians on the northern frontier.	621
	Do	May 30	The case of John Harcastle.....	621
	Lord Lyons to Mr. Seward.	May 30	The violation of the sovereignty of the United States by Canadian constables in Michigan.	622
	Do	May 30	The case of J. M. Vernon.....	625
	Mr. F. W. Seward to Lord Lyons.	June 1	The case of the Telegraph.....	625
	Do	June 1	The case of J. M. Vernon.....	625
	Do	June 3	The alleged attempts to fit out privateers at Vancouver's island.	626
	Mr. Seward to Lord Lyons.	June 5	The case of the Adela.....	626
	Do	June 5	Customs regulations in regard to merchandise shipped from New York to Nassau.	627
	Lord Lyons to Mr. Seward.	June 5	The case of Henry E. Green.....	628
	Do	June 6	The case of the Granite City. The taking of captured vessels for use before adjudication.	628
	Mr. Seward to Lord Lyons.	June 6	The case of the Mont Blanc.....	628
	Do	June 6	The case of the Magicienne.....	629
	Do	June 6	The taking of captured vessels for use at a valuation.	629
	Do	June 8	The same subject.....	629
	Do	June 8	Intercourse between naval officers of the United States and Great Britain.	630
	Do	June 8	The case of the Golden Eagle.....	630
	Do	June 8	The case of Henry E. Green. Claims of foreigners for damages in consequence of military operations.	635
	Do	June 9	Transactions at Nassau on the occasion of a visit of the United States steamer Rhode Island to that port.	635
	Lord Lyons to Mr. Seward.	June 10	The case of J. M. Vernon.....	638
	Mr. Seward to Lord Lyons.	June 11	The same subject.....	638
	Lord Lyons to Mr. Seward.	June 13	The case of the Hanover.....	641
	Mr. Seward to Lord Lyons.	June 15	Avoidance of infringements of the law of nations by United States vessels in West Indian ports.	643
	Do	June 16	Visits of United States steamers to ports in the Bahamas.	644
	Do	June 10	The case of the Margaret and Jessie.....	647
	Lord Lyons to Mr. Seward.	June 16	Avoidance of infringements of the law of nations by United States vessels in West Indian ports.	648
	Do	June 17	Colored emigrants for British Honduras.....	649
	Do	June 17	Visits of United States steamers to ports in the Bahamas.	650

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Lord Lyons to Mr. Seward.	June 17	The same subject.....	651
	Mr. Seward to Lord Lyons.	June 17	The case of the Hanover.....	651
	Do	June 17	The alleged fitting out of a privateer at Nassau.	651
	Do	June 18	The case of John Hardcastle.....	652
	Do	June 19	Claims for exemption from the draft on the ground of alienage.	653
	Lord Lyons to Mr. Seward.	June 20	The case of the Mont Blanc.....	654
	Mr. Seward to Lord Lyons.	June 22	The same subject.....	654
	Do	June 24	The case of the Hanover.....	654
	Do	June 25	Visits of United States steamers to West Indian ports.	655
	Do	June 30	Claims for exemption from the draft on the ground of alienage.	655
	Lord Lyons to Mr. Seward.	June 30	Case of the Hanover.....	656
	Do	July 1	Claims of exemption from draft on the ground of alienage.	656
	Mr. Seward to Lord Lyons.	July 1	The prohibition of the export of cattle.....	658
	Do	July 2	Claims for exemption from the draft on the ground of alienage.	661
	Lord Lyons to Mr. Seward.	July 13	Visits of United States vessels to ports in the Bahamas.	662
	Mr. Seward to Lord Lyons.	July 14	The case of John Sherwin.....	662
	Lord Lyons to Mr. Seward.	July 15	The case of the Peterhoff.....	664
	Do	July 15	The cases of the Granite City and Tampico..	665
	Do	July 16	The case of the Mont Blanc.....	665
	Do	July 17	The case of the Victor.....	666
	Mr. Seward to Lord Lyons.	July 17	Customs regulations in regard to merchandise shipped from New York to the Bahamas.	670
	Do	July 18	The case of the Victor.....	670
	Do	July 22	The case of the Peterhoff.....	671
	Lord Lyons to Mr. Seward.	July 22	Claims for exemption from the draft on the ground of alienage.	673
	Mr. Seward to Lord Lyons.	July 23	Customs regulations in regard to merchandise shipped from New York to the Bahamas.	673
	Do	July 23	The cases of the Granite City and the Tampico.	678
	Lord Lyons to Mr. Seward.	July 25	The pursuit of hostile Indians into British territory.	679
	Do	July 27	Military service required of aliens at Louisville.	679
	Do	Aug. 1	The case of the Blanche.....	680
	Do	Aug. 3	Customs regulations in regard to trade between New York and the Bahamas.	682
	Mr. Seward to Lord Lyons.	Aug. 3	Proceedings of the United States consul at Bahia and the United States ship Mohican in reference to supplies of coal to piratical vessels.	683
	Do	Aug. 4	The case of the Dolphin.....	684
	Do	Aug. 4	The case of the Blanche.....	685

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
	Mr. Seward to Lord Lyons.	Aug. 5	Proceedings of the United States consul at Bahia and the United States ship Mohican in reference to supplies of coal to piratical vessels.	687
	Lord Lyons to Mr. Seward.	Aug. 7	The case of the Clyde.....	687
	Mr. Seward to Lord Lyons.	Aug. 8	The case of the Golden Eagle.....	688
	Do	Aug. 10	Colored emigrants to Honduras.....	688
	Lord Lyons to Mr. Seward.	Aug. 10	The same subject.....	689
	Do	Aug. 12	The sale of the Peterhoff.....	689
	Do	Aug. 12	The sale of the Springbok	689
	Do	Aug. 13	The case of Mr. Hardcastle.....	690
	Mr. Seward to Lord Lyons.	Aug. 13	The case of the Clyde.....	691
	Do	Aug. 14	The sale of the Peterhoff and Springbok....	692
	Mr. F. W. Seward to Lord Lyons.	Aug. 14	The case of Mr. Hardcastle.....	692
	Mr. Stuart to Mr. Seward.	Aug. 17	The case of the Emma.....	692
	Mr. F. W. Seward to Mr. Stuart.	Aug. 18	The same subject.....	692
	Do	Aug. 19	The sale of the Springbok and Peterhoff....	693
	Mr. Seward to Mr. Stuart.	Sept. 12	The case of J. M. Vernon.....	693
	Mr. Stuart to Mr. Seward.	Sept. 12	The case of the Margaret and Jessie	693
	Mr. Seward to Mr. Stuart.	Sept. 15	The same subject.....	694
	Do	Sept. 16	The case of the Juno.....	694
	Do	Sept. 22	The case of the Margaret and Jessie	694
	Mr. Stuart to Mr. Seward.	Sept. 23	The same subject.....	695
	Do	Sept. 24	The case of the Labuan.....	695
	Mr. Seward to Mr. Stuart.	Sept. 26	The case of the Emma.....	696
	Mr. Stuart to Mr. Seward.	Sept. 29	The same subject.....	697
	Mr. Seward to Mr. Stuart.	Sept. 30	The case of the Labuan	697
	Do	Sept. 30	The case of J. M. Vernon	698
	Do	Oct. 9	The case of the Victor.....	699
	Mr. Seward to Lord Lyons.	Oct. 14	The case of the York.....	704
	Do	Oct. 16	The case of the Springbok.....	705
	Do	Oct. 20	The case of the Magicienne.....	705
	Do	Oct. 28	The case of the Josie.....	706

SUPPLEMENT.

		1863.		
511	Mr. Adams to Mr. Seward.	Oct. 8	The proceedings of Mr. Partridge in regard to British interests in Salvador.	I
512	do	Oct. 8	The Alabama at Cape Town.....	II
513	do	Oct. 8	Memorial to the President from inhabitants of Hereford, and resolutions of a meeting at Hartlepool.	II
516	do	Oct. 9	Explanations with Earl Russell.....	III

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
518	Mr. Adams to Mr. Seward.	Oct. 16	The stoppage of the steam rams, and proceedings in relation thereto. The case of the <i>Alexandra</i> .	IV
519	.....do.....	Oct. 16	The death of Lord Lyndhurst.....	VI
521	.....do.....	Oct. 16	Speech of Sir R. Palmer, the attorney general, to his constituents.	VII
736	Mr. Seward to Mr. Adams.	Oct. 17	Projects of agents of the insurgents for violating the blockade.	XVII
737	.....do.....	Oct. 20	The military situation.....	XIX
739	Mr. Seward to Mr. Adams.	Oct. 23	The depredations of the <i>Alabama</i>	XX
522	Mr. Adams to Mr. Seward.	Oct. 23	The same subject.....	XX
523	.....do.....	Oct. 23	Public sentiment in England. Speeches of prominent men.	XXI
525	.....do.....	Oct. 23	A war steamer preparing for the insurgents at Glasgow.	XXI
740	Mr. Seward to Mr. Adams.	Oct. 24	Earl Russell's speech at Blairgowrie. The relations between Great Britain and the United States as affected by the fitting out of vessels for the insurgents.	XXIV
744	.....do.....	Oct. 26	Proceedings of Mr. Partridge in Salvador....	XXV
745	.....do.....	Oct. 26	The memorial of inhabitants of Hereford, and the proceedings of the meeting at Hartlepool.	XXV
526	Mr. Adams to Mr. Seward.	Oct. 29	Indications of public opinion. The condition and prospects of the iron-clad rams.	XXV
527	.....do.....	Oct. 30	The depredations of the <i>Alabama</i> . The iron-clad rams.	XXVIII
528	.....do.....	Oct. 30	The depredations of the <i>Georgia</i>	XXXI
748	Mr. F. W. Seward to Mr. Adams.	Nov. 2	Acknowledgment of despatches.....	XXXII
529	Mr. Adams to Mr. Seward.	Nov. 4	Projects of agents of the insurgents for violating the blockade.	XXXII
530	.....do.....	Nov. 5	The depredations of the Florida. Proceedings of the <i>Alabama</i> at Cape Town.	XXXIII
531	.....do.....	Nov. 6	Schemes of the insurgents for obtaining arms and vessels. Address of disloyal clergymen in the southern States.	XXXVII
532	.....do.....	Nov. 6	Case of the <i>Alexandra</i>	XL
756	Mr. Seward to Mr. Adams.	Nov. 9	Public opinion in Great Britain. Progress of military affairs; questions in regard to slavery.	LI
533	Mr. Adams to Mr. Seward.	Nov. 12	Proceedings of the <i>Alabama</i> at Cape Town. Speeches of public men in Great Britain.	LII
534	.....do.....	Nov. 13	The admission of privateers of the insurgents in British ports. Case of the <i>Alexandra</i> .	LVII
535	.....do.....	Nov. 13	Affairs in Japan	LVIII
536	.....do.....	Nov. 13	Speech of the French Emperor to the French chambers. Proposed congress.	LIX
759	Mr. Seward to Mr. Adams.	Nov. 14	The exportation from Richmond of tobacco belonging to the French government.	LX
760	.....do.....	Nov. 14	Plot by emissaries of the insurgents in Canada to invade the northern frontier. The neutrality laws of the two countries.	LX
761	.....do.....	Nov. 16	Correspondence during the Crimean war in regard to the equipment of privateers in the United States.	LXI
762	.....do.....	Nov. 17	Armed naval expeditions prepared in British ports. Plots in Canada by emissaries of the insurgents.	LXII

GREAT BRITAIN—Continued.

No.	From whom and to whom.	Date.	Subject.	Page.
		1863.		
537	Mr. Adams to Mr. Seward.	Nov. 19	The death of the King of Denmark. Commercial uneasiness. Decline of European interest in the struggle in the United States. Case of the Alexandria.	LXII
539	.....do.....	Nov. 19	The case of the Canton or Pampero.....	LXIII
540	.....do.....	Nov. 19	Proceedings of the Alabama.....	LXX
542	.....do.....	Nov. 20	Case of the Alexandria.....	LXXI
763	Mr. Seward to Mr. Adams.	Nov. 20	The same subject.....	CXI
	.....do.....	Nov. 21	The reply of the clergy of Scotland to the insurrectionary ministers of the United States.	CXI
765	.....do.....	Nov. 23	Approval of proceedings of Mr. Adams....	CXII
766	.....do.....	Nov. 23	Depredations of the Alabama near the Cape of Good Hope.	CXII
767	.....do.....	Nov. 23	Intercepted insurgent correspondence.....	CXII
768	.....do.....	Nov. 24	Approval of proceedings of Mr. Adams....	CXXIV
769	.....do.....	Nov. 28	Military successes near Chattanooga....	CXXIV
770	.....do.....	Nov. 30	Suggestions in regard to obtaining the sanction of the Mikado to the treaties made by the Tycoon of Japan.	CXXV
771	.....do.....	Nov. 30	The proposed European congress. Course of political ideas as affected by the breaking out of the insurrection in this country, and its decline. The action of European powers in regard to it.	CXXV
777	.....do.....	Dec. 5	The foreign enlistment act of Great Britain..	CXXVI
778	.....do.....	Dec. 5	Approval of proceedings of Mr. Adams....	CXXVII
779	.....do.....	Dec. 5	Case of the Alexandria.....	CXXVII
	Circular.....	Dec. 15	Military successes near Chattanooga and Knoxville. Opening of the session of Congress. Decline of the insurrection.	CXXVII
BRITISH LEGATION.				
	Mr. F. W. Seward to Lord Lyons.	Nov. 4	Restrictions on trade between the United States and the Bahamas.	CXXVIII
	Mr. Seward to Lord Lyons.	Nov. 10	Case of the Hanover.....	CXXVIII
	Do.....	Nov. 10	Restrictions on trade between the United States and the Bahamas.	CXXVIII
	Lord Lyons to Mr. Seward.	Nov. 10	Case of the Magicienne.....	CXXIX
	Mr. Seward to Lord Lyons.	Nov. 11	The same subject.....	CXXX
	Do.....	Nov. 11	Case of Captain Sherwin.....	CXXX
	Do.....	Nov. 11	Case of John Hardcastle.....	CXXX
	Lord Lyons to Mr. Seward.	Nov. 11	Plot of emissaries of the insurgents in Canada for an invasion of the northern frontier.	CXXXVII
	Mr. Seward to Lord Lyons.	Nov. 12	The same subject.....	CXXXVIII
	Lord Lyons to Mr. Seward.	Nov. 21	Case of the Labuan.....	CXXXVIII
	Mr. Seward to Lord Lyons.	Nov. 25	The same subject.....	CXXXIX

MESSAGE.

Fellow citizens of the Senate and House of Representatives:

Another year of health, and of sufficiently abundant harvests, has passed. For these, and especially for the improved condition of our national affairs, our renewed and profoundest gratitude to God is due.

We remain in peace and friendship with foreign powers.

The efforts of disloyal citizens of the United States to involve us in foreign wars, to aid an inexcusable insurrection, have been unavailing. Her Britannic Majesty's government, as was justly expected, have exercised their authority to prevent the departure of new hostile expeditions from British ports. The Emperor of France has, by a like proceeding, promptly vindicated the neutrality which he proclaimed at the beginning of the contest. Questions of great intricacy and importance have arisen out of the blockade, and other belligerent operations, between the government and several of the maritime powers, but they have been discussed, and, as far as was possible, accommodated in a spirit of frankness, justice, and mutual good will. It is especially gratifying that our prize courts, by the impartiality of their adjudications, have commanded the respect and confidence of maritime powers.

The supplemental treaty between the United States and Great Britain for the suppression of the African slave trade, made on the 17th day of February last, has been duly ratified, and carried into execution. It is believed that, so far as American ports and American citizens are concerned, that inhuman and odious traffic has been brought to an end.

I shall submit, for the consideration of the Senate, a convention for the adjustment of possessory claims in Washington Territory, arising out of the treaty of the 15th June, 1846, between the United States and Great Britain, and which have been the source of some disquiet among the citizens of that now rapidly improving part of the country.

A novel and important question, involving the extent of the maritime jurisdiction of Spain in the waters which surround the island of Cuba, has been debated without reaching an agreement, and it is proposed, in an amicable spirit, to refer it to the arbitrament of a friendly power. A convention for that purpose will be submitted to the Senate.

I have thought it proper, subject to the approval of the Senate, to concur with the interested commercial powers in an arrangement for the liquidation of the Scheldt dues upon the principles which have been heretofore adopted in regard to the imposts upon navigation in the waters of Denmark.

The long-pending controversy between this government and that of Chili, touching the seizure at Sitana, in Peru, by Chilian officers, of a large amount in treasure belonging to citizens of the United States, has been brought to a close by the award of his Majesty the king of the Belgians, to whose arbitration the question was referred by the parties. The subject was thoroughly and patiently examined by that justly respected magistrate, and although the sum awarded to the claimants may not have been as large as they expected, there is no reason to distrust the wisdom of his Majesty's decision. That decision was promptly complied with by Chili, when intelligence in regard to it reached that country.

The joint commission, under the act of the last session, for carrying into effect the convention with Peru on the subject of claims, has been organized at Lima, and is engaged in the business intrusted to it.

Difficulties concerning inter-oceanic transit through Nicaragua are in course of amicable adjustment.

In conformity with principles set forth in my last annual message, I have received a representative from the United States of Colombia, and have accredited a minister to that republic.

Incidents occurring in the progress of our civil war have forced upon my attention the uncertain state of international questions, touching the rights of foreigners in this country and of United States citizens abroad. In regard to some governments these rights are at least partially defined by treaties. In no instance, however, is it expressly stipulated that, in the event of civil war, a foreigner residing in this country, within the lines of the insurgents, is to be exempted from the rule which classes him as a belligerent, in whose behalf the government of his country cannot expect any privileges or immunities distinct from that character. I regret to say, however, that such claims have been put forward, and, in some instances, in behalf of foreigners who have lived in the United States the greater part of their lives.

There is reason to believe that many persons born in foreign countries, who have declared their intention to become citizens, or who have been fully naturalized, have evaded the military duty required of them by denying the fact, and thereby throwing upon the government the burden of proof. It has been found difficult or impracticable to obtain this proof from the want of guides to the proper sources of information. These might be supplied by requiring clerks of courts, where declarations of intention may be made or naturalizations effected, to send, periodically, lists of the names of the persons naturalized, or declaring their intention to become citizens, to the Secretary of the Interior, in whose department those names might be arranged and printed for general information.

There is also reason to believe that foreigners frequently become citizens of

the United States for the sole purpose of evading duties imposed by the laws of their native countries, to which, on becoming naturalized here, they at once repair, and, though never returning to the United States, they still claim the interposition of this government as citizens. Many altercations and great prejudices have heretofore arisen out of this abuse. It is, therefore, submitted to your serious consideration. It might be advisable to fix a limit, beyond which no citizen of the United States residing abroad may claim the interposition of his government.

The right of suffrage has often been assumed and exercised by aliens, under pretences of naturalization, which they have disavowed when drafted into the military service. I submit the expediency of such an amendment of the law as will make the fact of voting an estoppel against any plea of exemption from military service, or other civil obligation, on the ground of alienage.

In common with other western powers, our relations with Japan have been brought into serious jeopardy, through the perverse opposition of the hereditary aristocracy of the empire to the enlightened and liberal policy of the Tycoon, designed to bring the country into the society of nations. It is hoped, although not with entire confidence, that these difficulties may be peacefully overcome. I ask your attention to the claim of the minister residing there for the damages he sustained in the destruction by fire of the residence of the legation at Yedo.

Satisfactory arrangements have been made with the Emperor of Russia, which, it is believed, will result in effecting a continuous line of telegraph through that empire from our Pacific coast.

I recommend to your favorable consideration the subject of an international telegraph across the Atlantic ocean; and also of a telegraph between this capital and the national forts along the Atlantic sea-board and the Gulf of Mexico. Such communications, established with any reasonable outlay, would be economical as well as effective aids to the diplomatic, military, and naval service.

The consular system of the United States, under the enactments of the last Congress, begins to be self-sustaining; and there is reason to hope that it may become entirely so, with the increase of trade which will ensue whenever peace is restored. Our ministers abroad have been faithful in defending American rights. In protecting commercial interests, our consuls have necessarily had to encounter increased labors and responsibilities, growing out of the war. These they have, for the most part, met and discharged with zeal and efficiency. This acknowledgment justly includes those consuls who, residing in Morocco, Egypt, Turkey, Japan, China, and other Oriental countries, are charged with complex functions and extraordinary powers.

The condition of the several organized Territories is generally satisfactory, although Indian disturbances in New Mexico have not been entirely suppressed. The mineral resources of Colorado, Nevada, Idaho, New Mexico, and Arizona are proving far richer than has been heretofore understood. I lay before you a

communication on this subject from the governor of New Mexico. I again submit to your consideration the expediency of establishing a system for the encouragement of immigration. Although this source of national wealth and strength is again flowing with greater freedom than for several years before the insurrection occurred, there is still a great deficiency of laborers in every field of industry, especially in agriculture and in our mines, as well of iron and coal as of the precious metals. While the demand for labor is thus increased here, tens of thousands of persons, destitute of remunerative occupation, are thronging our foreign consulates, and offering to emigrate to the United States if essential, but very cheap, assistance can be afforded them. It is easy to see that, under the sharp discipline of civil war, the nation is beginning a new life. This noble effort demands the aid, and ought to receive the attention and support, of the government.

Injuries, unforeseen by the government and unintended, may, in some cases, have been inflicted on the subjects or citizens of foreign countries, both at sea and on land, by persons in the service of the United States. As this government expects redress from other powers when similar injuries are inflicted by persons in their service upon citizens of the United States, we must be prepared to do justice to foreigners. If the existing judicial tribunals are inadequate to this purpose, a special court may be authorized, with power to hear and decide such claims of the character referred to as may have arisen under treaties and the public law. Conventions for adjusting the claims by joint commission have been proposed to some governments, but no definitive answer to the proposition has yet been received from any.

In the course of the session I shall probably have occasion to request you to provide indemnification to claimants where decrees of restitution have been rendered, and damages awarded by admiralty courts; and in other cases, where this government may be acknowledged to be liable in principle, and where the amount of that liability has been ascertained by an informal arbitration.

The proper officers of the treasury have deemed themselves required, by the law of the United States upon the subject, to demand a tax upon the incomes of foreign consuls in this country. While such a demand may not, in strictness, be in derogation of public law, or perhaps of any existing treaty between the United States and a foreign country, the expediency of so far modifying the act as to exempt from tax the income of such consuls as are not citizens of the United States, derived from the emoluments of their office, or from property not situated in the United States, is submitted to your serious consideration. I make this suggestion upon the ground that a comity which ought to be reciprocated exempts our consuls, in all other countries, from taxation to the extent thus indicated. The United States, I think, ought not to be exceptionally illiberal to international trade and commerce.

The operations of the treasury during the last year have been successfully conducted. The enactment by Congress of a national banking law has proved a valuable support of the public credit; and the general legislation in relation

to loans has fully answered the expectations of its favorers. Some amendments may be required to perfect existing laws; but no change in their principles or general scope is believed to be needed.

Since these measures have been in operation, all demands on the treasury, including the pay of the army and navy, have been promptly met and fully satisfied. No considerable body of troops, it is believed, were ever more amply provided, and more liberally and punctually paid; and it may be added that by no people were the burdens incident to a great war ever more cheerfully borne.

The receipts during the year from all sources, including loans and the balance in the treasury at its commencement, were \$901,125,674 86, and the aggregate disbursements \$895,796,630 65, leaving a balance on the 1st July, 1863, of \$5,329,044 21. Of the receipts there were derived from customs \$69,059,642 40; from internal revenue, \$37,640,787 95; from direct tax, \$1,485,103 61; from lands, \$167,617 17; from miscellaneous sources, \$3,046,615 35; and from loans, \$776,682,361 57; making the aggregate, \$901,125,674 86. Of the disbursements there were for the civil service, \$23,253,922 08; for pensions and Indians, \$4,216,520 79; for interest on public debt, \$24,729,846 51; for the War Department, \$599,298,600 83; for the Navy Department, \$63,211,105 27; for payment of funded and temporary debt, \$181,086,635 07; making the aggregate, \$895,796,630 65, and leaving the balance of \$5,329,044 21. But the payment of funded and temporary debt, having been made from moneys borrowed during the year, must be regarded as merely nominal payments, and the moneys borrowed to make them as merely nominal receipts; and their amount, \$181,086,635 07, should therefore be deducted both from receipts and disbursements. This being done, there remains as actual receipts \$720,039,039 79; and the actual disbursements, \$714,709,995 58, leaving the balance as already stated.

The actual receipts and disbursements for the first quarter, and the estimated receipts and disbursements for the remaining three quarters, of the current fiscal year, 1864, will be shown in detail by the report of the Secretary of the Treasury, to which I invite your attention. It is sufficient to say here that it is not believed that actual results will exhibit a state of the finances less favorable to the country than the estimates of that officer heretofore submitted; while it is confidently expected that at the close of the year both disbursements and debt will be found very considerably less than has been anticipated.

The report of the Secretary of War is a document of great interest. It consists of—

1. The military operations of the year, detailed in the report of the general-in-chief.
2. The organization of colored persons into the war service.
3. The exchange of prisoners, fully set forth in the letter of General Hitchcock.

4. The operations under the act for enrolling and calling out the national forces, detailed in the report of the Provost Marshal General.
5. The organization of the invalid corps; and
6. The operation of the several departments of the Quartermaster General, Commissary General, Paymaster General, Chief of Engineers, Chief of Ordnance, and Surgeon General.

It has appeared impossible to make a valuable summary of this report except such as would be too extended for this place, and hence I content myself by asking your careful attention to the report itself.

The duties devolving on the naval branch of the service during the year, and throughout the whole of this unhappy contest, have been discharged with fidelity and eminent success. The extensive blockade has been constantly increasing in efficiency, as the navy has expanded; yet on so long a line it has so far been impossible to entirely suppress illicit trade. From returns received at the Navy Department it appears that more than one thousand vessels have been captured since the blockade was instituted, and that the value of prizes already sent in for adjudication amounts to over thirteen millions of dollars.

The naval force of the United States consists at this time of five hundred and eighty-eight vessels, completed and in the course of completion, and of these seventy-five are iron-clad or armored steamers. The events of the war gives an increased interest and importance to the navy which will probably extend beyond the war itself.

The armored vessels in our navy completed and in service, or which are under contract and approaching completion, are believed to exceed in number those of any other power. But while these may be relied upon for harbor defence and coast service, others of greater strength and capacity will be necessary for cruising purposes, and to maintain our rightful position on the ocean.

The change that has taken place in naval vessels and naval warfare since the introduction of steam as a motive-power for ships-of-war demands either a corresponding change in some of our existing navy yards, or the establishment of new ones, for the construction and necessary repair of modern naval vessels. No inconsiderable embarrassment, delay, and public injury have been experienced from the want of such governmental establishments. The necessity of such a navy yard, so furnished, at some suitable place upon the Atlantic seaboard, has on repeated occasions been brought to the attention of Congress by the Navy Department, and is again presented in the report of the Secretary which accompanies this communication. I think it my duty to invite your special attention to this subject, and also to that of establishing a yard and depot for naval purposes upon one of the western rivers. A naval force has been created on those interior waters, and under many disadvantages, within little more than two years, exceeding in numbers the whole naval force of the country at the commencement of the present administration. Satisfactory and important as have been the performances of the heroic men of the navy at this interesting period, they are scarcely more wonderful than the success of our mechanics and

artisans in the production of war vessels which has created a new form of naval power.

Our country has advantages superior to any other nation in our resources of iron and timber, with inexhaustible quantities of fuel in the immediate vicinity of both, and all available and in close proximity to navigable waters. Without the advantage of public works, the resources of the nation have been developed and its power displayed in the construction of a navy of such magnitude which has, at the very period of its creation, rendered signal service to the Union.

The increase of the number of seamen in the public service, from seven thousand five hundred men, in the spring of 1861, to about thirty-four thousand at the present time, has been accomplished without special legislation, or extraordinary bounties to promote that increase. It has been found, however, that the operation of the draft, with the high bounties paid for army recruits, is beginning to affect injuriously the naval service, and will, if not corrected, be likely to impair its efficiency, by detaching seamen from their proper vocation and inducing them to enter the army. I therefore respectfully suggest that Congress might aid both the army and naval services by a definite provision on this subject, which would at the same time be equitable to the communities more especially interested.

I commend to your consideration the suggestions of the Secretary of the Navy in regard to the policy of fostering and training seamen, and also the education of officers and engineers for the naval service. The Naval Academy is rendering signal service in preparing midshipmen for the highly responsible duties which in after life they will be required to perform. In order that the country should not be deprived of the proper quota of educated officers, for which legal provision has been made at the naval school, the vacancies caused by the neglect or omission to make nominations from the States in insurrection have been filled by the Secretary of the Navy. The school is now more full and complete than at any former period, and in every respect entitled to the favorable consideration of Congress.

During the past fiscal year the financial condition of the Post Office Department has been one of increasing prosperity, and I am gratified in being able to state that the actual postal revenue has nearly equalled the entire expenditures; the latter amounting to \$11,314,206 84, and the former to \$11,163,789 59, leaving a deficiency of but \$150,417 25. In 1860, the year immediately preceding the rebellion, the deficiency amounted to \$5,656,705 49, the postal receipts of that year being \$2,645,722 19 less than those of 1863. The decrease since 1860 in the annual amount of transportation has been only about 25 per cent., but the annual expenditure on account of the same has been reduced 35 per cent. It is manifest, therefore, that the Post Office Department may become self-sustaining in a few years, even with the restoration of the whole service.

The international conference of postal delegates from the principal countries of Europe and America, which was called at the suggestion of the Postmaster General, met at Paris on the 11th of May last, and concluded its deliberations on the 8th of June. The principles established by the conference as best adapted to facilitate postal intercourse between nations, and as the basis of future postal conventions, inaugurate a general system of uniform international charges, at reduced rates of postage, and cannot fail to produce beneficial results.

I refer you to the report of the Secretary of the Interior, which is herewith laid before you, for useful and varied information in relation to the public lands, Indian affairs, patents, pensions, and other matters of public concern pertaining to his department.

The quantity of land disposed of during the last and the first quarter of the present fiscal years was three million eight hundred and forty-one thousand five hundred and forty-nine acres, of which one hundred and sixty-one thousand nine hundred and eleven acres were sold for cash, one million four hundred and fifty-six thousand five hundred and fourteen acres were taken up under the homestead law, and the residue disposed of under laws granting lands for military bounties, for railroad, and other purposes. It also appears that the sale of the public lands is largely on the increase.

It has long been a cherished opinion of some of our wisest statesmen that the people of the United States had a higher and more enduring interest in the early settlement and substantial cultivation of the public lands than in the amount of direct revenue to be derived from the sale of them. This opinion has had a controlling influence in shaping legislation upon the subject of our national domain. I may cite, as evidence of this, the liberal measures adopted in reference to actual settlers; the grant to the States of the overflowed lands within their limits in order to their being reclaimed and rendered fit for cultivation; the grants to railway companies of alternate sections of land upon the contemplated lines of their roads which, when completed, will so largely multiply the facilities for reaching our distant possessions. This policy has received its most signal and beneficent illustration in the recent enactment granting homesteads to actual settlers. Since the first day of January last the before-mentioned quantity of one million four hundred and fifty-six thousand five hundred and fourteen acres of land have been taken up under its provisions. This fact and the amount of sales furnish gratifying evidence of increasing settlement upon the public lands, notwithstanding the great struggle in which the energies of the nation have been engaged, and which has required so large a withdrawal of our citizens from their accustomed pursuits. I cordially concur in the recommendation of the Secretary of the Interior, suggesting a modification of the act in favor of those engaged in the military and naval service of the United States. I doubt not that Congress will cheerfully adopt such measures as will, without essentially changing the general features of the system, secure, to the greatest practicable extent, its benefits to those who have left their homes in the defence of the country in this arduous crisis.

I invite your attention to the views of the Secretary as to the propriety of raising, by appropriate legislation, a revenue from the mineral lands of the United States.

The measures provided at your last session for the removal of certain Indian tribes have been carried into effect. Sundry treaties have been negotiated which will, in due time, be submitted for the constitutional action of the Senate. They contain stipulations for extinguishing the possessory rights of the Indians to large and valuable tracts of land. It is hoped that the effect of these treaties will result in the establishment of permanent friendly relations with such of these tribes as have been brought into frequent and bloody collision with our outlying settlements and emigrants. Sound policy and our imperative duty to these wards of the government demand our anxious and constant attention to their material well-being, to their progress in the arts of civilization, and, above all, to that moral training which, under the blessing of Divine Providence, will confer upon them the elevated and sanctifying influences, the hopes and consolations of the Christian faith.

I suggested in my last annual message the propriety of remodelling our Indian system. Subsequent events have satisfied me of its necessity. The details set forth in the report of the Secretary evince the urgent need for immediate legislative action.

I commend the benevolent institutions, established or patronized by the government in this District, to your generous and fostering care.

The attention of Congress, during the last session, was engaged to some extent with a proposition for enlarging the water communication between the Mississippi river and the northeastern seaboard, which proposition, however, failed for the time. Since then, upon a call of the greatest respectability, a convention has been held at Chicago upon the same subject, a summary of whose views is contained in a memorial addressed to the President and Congress, and which I now have the honor to lay before you. That this interest is one which, ere long, will force its own way, I do not entertain a doubt, while it is submitted entirely to your wisdom as to what can be done now. Augmented interest is given to this subject by the actual commencement of work upon the Pacific railroad, under auspices so favorable to rapid progress and completion. The enlarged navigation becomes a palpable need to the great road.

I transmit the second annual report of the Commissioner of the Department of Agriculture, asking your attention to the developments in that vital interest of the nation.

When Congress assembled a year ago the war had already lasted nearly twenty months, and there had been many conflicts on both land and sea, with varying results. The rebellion had been pressed back into reduced limits; yet the tone of public feeling and opinion, at home and abroad, was not satisfactory. With other signs, the popular elections, then just past, indicated uneasiness among ourselves, while amid much that was cold and menacing the kindest words coming from Europe were uttered in accents of pity, that we were too

blind to surrender a hopeless cause. Our commerce was suffering greatly by a few armed vessels built upon and furnished from foreign shores, and we were threatened with such additions from the same quarter as would sweep our trade from the sea and raise our blockade. We had failed to elicit from European governments anything hopeful upon this subject. The preliminary emancipation proclamation, issued in September, was running its assigned period to the beginning of the new year. A month later the final proclamation came, including the announcement that colored men of suitable condition would be received into the war service. The policy of emancipation, and of employing black soldiers, gave to the future a new aspect, about which hope, and fear, and doubt contended in uncertain conflict. According to our political system, as a matter of civil administration, the general government had no lawful power to effect emancipation in any State, and for a long time it had been hoped that the rebellion could be suppressed without resorting to it as a military measure. It was all the while deemed possible that the necessity for it might come, and that if it should, the crisis of the contest would then be presented. It came, and, as was anticipated, it was followed by dark and doubtful days. Eleven months having now passed, we are permitted to take another review. The rebel borders are pressed still further back, and by the complete opening of the Mississippi the country dominated by the rebellion is divided into distinct parts, with no practical communication between them. Tennessee and Arkansas have been substantially cleared of insurgent control, and influential citizens in each, owners of slaves and advocates of slavery at the beginning of the rebellion, now declare openly for emancipation in their respective States. Of those States not included in the emancipation proclamation, Maryland and Missouri, neither of which three years ago would tolerate any restraint upon the extension of slavery into new territories, only dispute now as to the best mode of removing it within their own limits.

Of those who were slaves at the beginning of the rebellion, full one hundred thousand are now in the United States military service, about one-half of which number actually bear arms in the ranks; thus giving the double advantage of taking so much labor from the insurgent cause, and supplying the places which otherwise must be filled with so many white men. So far as tested, it is difficult to say they are not as good soldiers as any. No servile insurrection, or tendency to violence or cruelty, has marked the measures of emancipation and arming the blacks. These measures have been much discussed in foreign countries, and contemporary with such discussion the tone of public sentiment there is much improved. At home the same measures have been fully discussed, supported, criticised, and denounced, and the annual elections following are highly encouraging to those whose official duty it is to bear the country through this great trial. Thus we have the new reckoning. The crisis which threatened to divide the friends of the Union is past.

Looking now to the present and future, and with reference to a resumption of the national authority within the States wherein that authority has been sus-

pendent, I have thought fit to issue a proclamation, a copy of which is herewith transmitted. On examination of this proclamation it will appear, as is believed, that nothing is attempted beyond what is amply justified by the Constitution. True, the form of an oath is given, but no man is coerced to take it. The man is only promised a pardon in case he voluntarily takes the oath. The Constitution authorizes the Executive to grant or withhold the pardon at his own absolute discretion; and this includes the power to grant on terms, as is fully established by judicial and other authorities.

It is also proffered that if, in any of the States named, a State government shall be, in the mode prescribed, set up, such government shall be recognized and guaranteed by the United States, and that under it the State shall, on the constitutional conditions, be protected against invasion and domestic violence. The constitutional obligation of the United States to guaranty to every State in the Union a republican form of government, and to protect the State, in the cases stated, is explicit and full. But why tender the benefits of this provision only to a State government set up in this particular way? This section of the Constitution contemplates a case wherein the element within a State, favorable to republican government, in the Union, may be too feeble for an opposite and hostile element external to, or even within the State; and such are precisely the cases with which we are now dealing.

An attempt to guaranty and protect a revived State government, constructed in whole, or in preponderating part, from the very element against whose hostility and violence it is to be protected, is simply absurd. There must be a test by which to separate the opposing elements, so as to build only from the sound; and that test is a sufficiently liberal one, which accepts as sound whoever will make a sworn recantation of his former unsoundness.

But if it be proper to require, as a test of admission to the political body, an oath of allegiance to the Constitution of the United States, and to the Union under it, why also to the laws and proclamations in regard to slavery? Those laws and proclamations were enacted and put forth for the purpose of aiding in the suppression of the rebellion. To give them their fullest effect, there had to be a pledge for their maintenance. In my judgment they have aided, and will further aid, the cause for which they were intended. To now abandon them would be not only to relinquish a lever of power, but would also be a cruel and an astounding breach of faith. I may add at this point, that while I remain in my present position I shall not attempt to retract or modify the emancipation proclamation; nor shall I return to slavery any person who is free by the terms of that proclamation, or by any of the acts of Congress. For these and other reasons it is thought best that support of these measures shall be included in the oath; and it is believed the Executive may lawfully claim it in return for pardon and restoration of forfeited rights, which he has clear constitutional power to withhold altogether, or grant upon the terms which he shall deem wisest for the public interest. It should be observed, also, that this part of the

oath is subject to the modifying and abrogating power of legislation and supreme judicial decision.

The proposed acquiescence of the national Executive in any reasonable temporary State arrangement for the freed people is made with the view of possibly modifying the confusion and destitution which must, at best, attend all classes by a total revolution of labor throughout whole States. It is hoped that the already deeply afflicted people in those States may be somewhat more ready to give up the cause of their affliction, if, to this extent, this vital matter be left to themselves; while no power of the national Executive to prevent an abuse is abridged by the proposition.

The suggestion in the proclamation as to maintaining the political framework of the States on what is called reconstruction, is made in the hope that it may do good without danger of harm. It will save labor, and avoid great confusion.

But why any proclamation now upon this subject? This question is beset with the conflicting views that the step might be delayed too long or be taken too soon. In some States the elements for resumption seem ready for action, but remain inactive, apparently for want of a rallying point—a plan of action. Why shall A adopt the plan of B, rather than B that of A? And if A and B should agree, how can they know but that the general government here will reject their plan? By the proclamation a plan is presented which may be accepted by them as a rallying point, and which they are assured in advance will not be rejected here. This may bring them to act sooner than they otherwise would.

The objections to a premature presentation of a plan by the national Executive consists in the danger of committals on points which could be more safely left to further developments. Care has been taken to so shape the document as to avoid embarrassments from this source. Saying that, on certain terms, certain classes will be pardoned, with rights restored, it is not said that other classes, or other terms, will never be included. Saying that reconstruction will be accepted if presented in a specified way, it is not said it will never be accepted in any other way.

The movements, by State action, for emancipation in several of the States, not included in the emancipation proclamation, are matters of profound gratulation. And while I do not repeat in detail what I have heretofore so earnestly urged upon this subject, my general views and feelings remain unchanged; and I trust that Congress will omit no fair opportunity of aiding these important steps to a great consummation.

In the midst of other cares, however important, we must not lose sight of the fact that the war power is still our main reliance. To that power alone can we look, yet for a time, to give confidence to the people in the contested regions, that the insurgent power will not again overrun them. Until that confidence shall be established, little can be done anywhere for what is called reconstruction. Hence our chiefest care must still be directed to the army and navy, who have thus far borne their harder part so nobly and well. And it may be es

teemed fortunate that in giving the greatest efficiency to these indispensable arms, we do also honorably recognize the gallant men, from commander to sentinel, who compose them, and to whom, more than to others, the world must stand indebted for the home of freedom disenthralled, regenerated, enlarged, and perpetuated.

ABRAHAM LINCOLN.

DECEMBER 8, 1863.

PROCLAMATION.

Whereas, in and by the Constitution of the United States, it is provided that the President "shall have power to grant reprieves and pardons for offences against the United States, except in cases of impeachment;" and

Whereas a rebellion now exists whereby the loyal State governments of several States have for a long time been subverted, and many persons have committed and are now guilty of treason against the United States; and

Whereas, with reference to said rebellion and treason, laws have been enacted by Congress, declaring forfeitures and confiscation of property and liberation of slaves, all upon terms and conditions therein stated, and also declaring that the President was thereby authorized at any time thereafter, by proclamation, to extend to persons who may have participated in the existing rebellion, in any State or part thereof, pardon and amnesty, with such exceptions and at such times and on such conditions as he may deem expedient for the public welfare; and

Whereas the congressional declaration for limited and conditional pardon accords with well-established judicial exposition of the pardoning power; and

Whereas, with reference to said rebellion, the President of the United States has issued several proclamations, with provisions in regard to the liberation of slaves; and

Whereas it is now desired by some persons heretofore engaged in said rebellion to resume their allegiance to the United States, and to reinaugurate loyal State governments within and for their respective States: therefore,

I, Abraham Lincoln, President of the United States, do proclaim, declare, and make known to all persons who have, directly or by implication, participated in the existing rebellion, except as hereinafter excepted, that a full pardon is hereby granted to them and each of them, with restoration of all rights of property, except as to slaves, and in property cases where rights of third parties shall have intervened, and upon the condition that every such person shall take and subscribe an oath, and thenceforward keep and maintain said oath inviolate; and which oath shall be registered for permanent preservation, and shall be of the tenor and effect following, to wit:

"I, _____, do solemnly swear, in presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States, and the union of the States thereunder; and that I will, in like manner, abide by and faithfully support all acts of Congress passed during the existing rebellion with reference to slaves, so long and so far as not repealed, modified, or held void by Congress, or by decision of the Supreme Court; and that I will, in like manner, abide by and faithfully support all proclamations of the President made during the existing rebellion having reference to slaves, so long and so far as not modified or declared void by decision of the Supreme Court. So help me God."

The persons excepted from the benefits of the foregoing provisions are all who are, or shall have been, civil or diplomatic officers or agents of the so-called confederate government; all who have left judicial stations under the United States to aid the rebellion; all who are, or shall have been, military or naval officers of said so-called confederate government above the rank of colonel in the army, or of lieutenant in the navy; all who left seats in the United States Congress to aid the rebellion; all who resigned commissions in the army or navy of the United States, and afterwards aided the rebellion; and all who have engaged in any way in treating colored persons, or white persons in charge of such, otherwise than lawfully as prisoners of war, and which persons may have been found in the United States service as soldiers, seamen, or in any other capacity.

And I do further proclaim, declare, and make known, that whenever, in any of the States of Arkansas, Texas, Louisiana, Mississippi, Tennessee, Alabama,

Georgia, Florida, South Carolina, and North Carolina, a number of persons, not less than one-tenth in number of the votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government which shall be republican, and in nowise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that "The United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or the executive, (when the legislature cannot be convened,) against domestic violence."

And I do further proclaim, declare, and make known that any provision which may be adopted by such State government in relation to the freed people of such State, which shall recognize and declare their permanent freedom, provide for their education, and which may yet be consistent, as a temporary arrangement, with their present condition as a laboring, landless, and homeless class, will not be objected to by the national Executive. And it is suggested as not improper, that, in constructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, the constitution, and the general code of laws, as before the rebellion, be maintained, subject only to the modifications made necessary by the conditions hereinbefore stated, and such others, if any, not contravening said conditions, and which may be deemed expedient by those framing the new State government.

To avoid misunderstanding, it may be proper to say that this proclamation, so far as it relates to State governments, has no reference to States wherein loyal State governments have all the while been maintained. And for the same reason, it may be proper to further say, that whether members sent to Congress from any State shall be admitted to seats constitutionally, rests exclusively with the respective Houses, and not to any extent with the Executive. And still further, that this proclamation is intended to present the people of the States wherein the national authority has been suspended, and loyal State governments have been subverted, a mode in and by which the national authority and loyal State governments may be re-established within said States, or in any of them; and, while the mode presented is the best the Executive can suggest, with his present impressions, it must not be understood that no other possible mode would be acceptable.

Given under my hand at the city of Washington, the 8th day of December, A. D. one thousand eight hundred and sixty-three, and of the independence of the United States of America the eighty-eighth.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

CORRESPONDENCE.

CORRESPONDENCE.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 259.]

LEGATION OF THE UNITED STATES,

London, November 13, 1862.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 377 to 382, both inclusive.

At the latest date of your writing you could not have received my despatch (No. 248) of the 24th of October, which precisely defined the amount of the importance of Mr. Gladstone's speech, considered as a ministerial exposition. Since that date, until yesterday, no further question has been raised upon the subject, and the excitement had altogether subsided.

It now appears that the Emperor of France has taken a positive step. The letter of M. Drouyn de l'Huys to the two powers of Russia and England appears in the newspapers. Mr. Dayton will, doubtless, give you by this steamer a full report of the communication that has been made to him by that minister, a brief abstract of which he has sent to me. It remains to be seen what fate it will meet from the parties to which it is addressed.

How it will fare with Russia I think there can scarcely be a doubt. Independently of the steady tone of Baron Brunnow, the ambassador at this court, in all his conversation with me, I find an article in a newspaper of authority at St. Petersburg, which very distinctly signifies an indisposition to interfere in any other way than that which has already been taken by Russia.

A cabinet council was held here yesterday, when there can be no doubt that some action was had on the subject. * * * * *

The only check likely to be final on all this class of projects must be found in the progress of our arms. The late arrivals have brought intelligence, on the whole, of a favorable character. We learn by them that General McClellan is at last in motion, and that a conflict with the remaining army of the confederates was impending. By the issue of that struggle, the news of which we anxiously expect, we may be guided to a more clear conception of the attitude of the European powers thereafter. Should it be favorable, I doubt whether the ministers here will be at any time inclined to vary from their policy, unless with the implied assent of the United States. It is proper to add that the construction put upon the result of the popular elections, as likely to lead to some early and voluntary termination of the struggle, is not without its influence upon their determination.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 414.]

DEPARTMENT OF STATE,
Washington, November 30, 1862.

SIR: I have received your despatch of the 13th of November, (No. 259,) and also your despatch of November 15, (No. 261.) They relate to the proposition recently made by the Emperor of France to the Emperor of Russia and to the Queen of Great Britain, to join him in recommending an armistice in our unhappy civil war. Your statements upon that subject are very interesting and satisfactory. At the same time I do not propose to discuss the transaction.

You will learn the impression which it has made upon the President from the copy which I send you of my despatch of this date to Mr. Dayton. I send a copy of the same paper to Mr. Taylor, in Russia; and thus, by the President's direction, I leave the French proposal to take its place among the incidents already past of the lamentable civil war of which we again think we are beginning to see an approaching end.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

(The enclosure will be found in the correspondence with France.)

Mr. Adams to Mr. Seward.

[Extracts.]

No. 260.]

LEGATION OF THE UNITED STATES,
- London, November 13, 1862.

SIR: Your despatch (No. 381) of the 25th October, covered copies of many papers received from Mr. Harvey, at Lisbon, touching the piratical depredations committed by the gunboat 290 off the western islands, which I am instructed to bring before the notice of Lord Russell in such manner as shall seem best calculated to effect two objects—first, due redress for the national and private injuries sustained; and secondly, a prevention of such lawless and injurious proceedings hereafter.

I shall take the earliest opportunity to execute these orders, and, at the same time, to add other papers which have been furnished to me by Mr. Dudley, the consul at Liverpool, embracing still other cases of a similar character. Even without the addition of this evidence I have reason to suppose that the attention of the government here has been much drawn to the difficulty in which the acts of this vessel have involved them. There are statements current in the newspapers that they have actually stopped a vessel at Cork laden with supplies for the rebels, and have likewise prohibited the shipment of arms in the steamers going to New York. With respect to the latter part of the story, it seems to be admitted that the agents of those steamers no longer consent to receive them, though a different reason is given for it—the fear of some threat by Captain Semmes of what he would do if he found them on board. I am quite incredulous as to any disposition of that personage or of his owners in Liverpool voluntarily to incur the risk of difficulty with the authorities in England.

The only noteworthy circumstance in this connexion seems to be the great difference in the amount of evidence required to establish the destination in the respective cases. Although the equipment of vessels and cargoes from various ports of this kingdom, with the intent to run the blockade, has been so notori-

ous for a year past that the instances have become a frequent item of newspaper gossip, the difficulty of establishing the proof by the necessary evidence has been constantly urged in extenuation of a refusal to do anything at all to check them. And the moment a determination to do something is arrived at, the first manifestation of it appears to be against the party that has committed comparatively no offence, and whose limited operations have never acquired notoriety.

In the interview which I am to have with Lord Russell on Saturday, for the consideration of another matter, I hope to be able, incidentally, to gain a more complete insight into this.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 261.]

LEGATION OF THE UNITED STATES,

London, November 15, 1862.

SIR : The reply of Earl Russell to the French note which is published in all the morning papers is sent herewith. It is sufficiently decisive to answer all present purposes. I have just returned from my conference with his lordship on the subject of the convention. The conversation which ensued was too long to be reported to-day. I can only say that it was friendly and satisfactory. I inquired if he had any information of the answer of the Russian court. He said that he had received only an abstract of it by the telegraph. I understood him that, in substance, it contained an expression of great interest in the communication, a desire not to stand in the way of any joint action that might be determined on by the two powers, and a profession of a wish to help on any measures to restore peace in America that might be likely to prove acceptable to the United States. * * * * *

It is a little remarkable that, both in England and France, the tendency of public opinion is gradually to fall into the old channel of party divisions. The advocates of strong power side with the rebels, whilst the more liberal and popular party befriend the cause of the government. This is becoming more and more visible as the struggle goes on. Efforts are now making here, with a good prospect of success, for a more effective organization of the anti-slavery sentiment in our behalf.

Since writing the above I have received the following telegram, purporting to give the substance of the Russian answer :

“ST. PETERSBURGH, *November 15.*

“The ‘*Journal de St. Petersburg*’ of to-day contains the reply of Prince Gortschakoff to the note of M. Drouyn de l’Huys.

“The Prince, after recalling the constant efforts of Russia in favor of conciliation in America, says : ‘It is requisite, above all, to avoid the appearance of any pressure whatever capable of chilling public opinion in America, or of exciting the susceptibility of the nation. We believe that a combined measure of the powers, however conciliatory, if presented in an official or officious (*officieux*) character, would risk arriving at a result opposed to pacification. If, however, France should persist in her intention, and England should acquiesce, instruc-

tions shall be despatched to Baron Stoeckl at Washington to lend to both his colleagues, if not official aid, at least moral support.'"

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 262.]

LEGATION OF THE UNITED STATES,
London, November 20, 1862.

SIR: I have to acknowledge the reception from the department of despatches, numbered from 383 to 388, inclusive. * * * I am directed in these despatches to make representations to the British government in three forms:

1. By No. 386, I am to protest against the construction of war vessels for the use of the rebels in the ports of this kingdom.

2. By No. 383, to present a copy of the resolutions of the Chamber of Commerce of New York on the depredations committed by the pirate 290 on American shipping.

3. By No. 384, to bring to its notice the conduct of the commander of her Majesty's gunboat Bull Dog, as described in a letter of Rear Admiral Charles Wilkes to the Secretary of the Navy.

Being engaged at this moment in the preparation of a note to Lord Russell, in execution of your prior instructions contained in despatch No. 381, and intended to present the whole case of the government in respect to the action of No. 290, which, on account of its great importance, I have taken time to mature, I rather incline to postpone action on the other topics for a little while. I am led to do this, not simply because it does not seem to me the most propitious moment to multiply causes of offence with this court, but because there are accidental obstacles to my action in some of the despatches themselves.

* * * * *

For the various reasons thus enumerated, I shall venture to postpone, at least for the present, any particular remonstrance based on these later despatches. Much of the general subject will indeed be covered by the note to which I have alluded as already prepared.

The telegraphic despatch by the Edinburgh, which appears in all the morning newspapers, contains a report of the substance of a letter addressed by you to the Chamber of Commerce of New York on the depredations of No. 290, which announces that the minister at London had been directed to make reclamations of the British government. This intelligence has had a little effect in commercial circles here, it being charitably construed as symptomatic of a desire to create difficulties with England to counteract the tendency of the elections at home. For this reason I am glad that a sense of the importance of the proceeding has happened to delay my preparation of the note I propose to present until after this news was received. That note was finished yesterday, and is now in the hands of the secretary who is preparing a fair copy for my signature. A copy will likewise accompany this despatch. Lord Russell is not altogether unprepared for the reception of something of the kind, as in the last conference which I had with him, on Saturday, I apprised him that I had received a mass of testimony, upon which I was instructed to make a further representation on the subject. The labor of copying all the papers, with the present abridged force in the legation, has also contributed to the delay.

In the precise conjuncture of affairs in Europe it is a little unfortunate that

this difficulty should interpose itself between Great Britain and the United States. I am rather inclined to treat it as a question of right and wrong, to be settled after amicable discussion at a convenient time hereafter, and not as a cause of immediate and pressing urgency. * * * *

The publication of the notes of the three powers on the question proposed by France seems to have had an important influence upon opinion all over Europe. * * * As a consequence, there has been a slight tendency to reaction towards the cause of the United States. This has likewise been, to some extent, re-enforced by an active revival of the anti-slavery feeling among the people at large. I am particularly anxious at this time to avoid action which should have the smallest effect to modify this current.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 20, 1862.

MY LORD: It is with very great regret that I find myself once more under the necessity of calling your lordship's attention to the painful situation in which the government of the United States is placed by the successive reports received of the depredations committed on the high seas upon merchant vessels by the gunboat known in this country as No. 290, touching the construction and outfit of which in the port of Liverpool for the above purpose I had the honor of heretofore presenting evidence of the most positive character.

It is my duty now to submit to your consideration copies of a large number of papers received from Washington as well as from the consul at Liverpool, all of which concur in establishing the truth of the allegations made by me of the intentions of that vessel prior to her departure from the ports of this kingdom. I then averred that the purpose was to make war upon the people of the United States, a nation with which Great Britain has now been for half a century, and still is, on a footing of the most friendly alliance, by the force of treaties which have received the solemn sanction of all the authorities regarded among men as necessary to guarantee the mutual obligations of nations. That I made no mistake in that averment is now fully proved by the hostile proceedings of that vessel since the day she sailed from the place in this kingdom where she was prepared for that end.

It now appears from a survey of all the evidence—first, that this vessel was built in a dock-yard belonging to a commercial house in Liverpool, of which the chief member, down to October of last year, is a member of the House of Commons; secondly, that, from the manner of her construction and her peculiar adaptation to war purposes, there could have been no doubt by those engaged in the work, and familiar with such details, that she was intended for other purposes than those of legitimate trade; and thirdly, that during the whole process and outfit in the port of Liverpool, the direction of the details, and the engagement of persons to be employed in her, were, more or less, in hands known to be connected with the insurgents in the United States. It further appears that since her departure from Liverpool, which she was suffered to leave without any of the customary evidence at the custom-house to designate her ownership, she has been supplied with her armament, with coals and stores and men by vessels known to be fitted out and despatched for the purpose from the same port, and

that, although commanded by Americans in her navigation of the ocean, she is manned almost entirely by English seamen, engaged and forwarded from that port by persons in league with her commander. Furthermore, it is shown that this commander, claiming to be an officer acting under legitimate authority, yet is in the constant practice of raising the flag of Great Britain, in order the better to execute his system of ravage and depredation on the high seas. And lastly, it is made clear that he pays no regard whatever to the recognized law of capture of merchant vessels on the high seas, which requires the action of some judicial tribunal to confirm the rightfulness of the proceeding; but, on the contrary, that he resorts to the piratical system of taking, plundering, and burning private property without regard to consequences or responsibility to any legitimate authority whatever.

Such being the admitted state of the facts, the case evidently opens a series of novel questions of the gravest character to the consideration of all civilized countries. It is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports, to the injury of another nation with which it is at peace, with any known theory of moral or political obligation. It is equally clear that the reciprocation of such practices could only lead in the end to the utter subversion to all security to private property upon the ocean. In the case of countries geographically approximated to one another, the preservation of peace between them for any length of time would be rendered by it almost impossible. It would be, in short, permitting any or all irresponsible parties to prepare and fit out in any country just what armed enterprises against the property of their neighbors they might think fit to devise, without the possibility of recovering a control over their acts the moment after they might succeed in escaping from the particular local jurisdiction into the high seas.

It is by no means my desire to imply an intention on the part of her Majesty's government to countenance any such idea. I am fully aware of the fact that at a very early date, more than one month before the escape of the vessel, on my presenting evidence of the nature and purposes of the nameless vessel, together with the decided opinion of eminent counsel that a gross violation of the law of the land, as well as a breach of the law of nations, was in process of perpetration, an investigation was entered into by the law officers of the crown, which resulted in an acknowledgment of the justice of the remonstrance. In consequence of this, I am led to infer, from the language of your lordship's note of the 22d of September, explaining the facts of the case, that an order to detain the vessel at Liverpool was about to issue on the 29th of July last, when a telegraphic message was forwarded to you from that port to the effect that the vessel had escaped that very morning. Your lordship further adds that instructions were then immediately sent to Ireland to stop her should she put into Queenstown, and similar instructions were forwarded to the port of Nassau. But it has turned out that nothing has been heard of her at either place.

It thus appears that her Majesty's government had, from the evidence which I had had the honor to submit to your lordship's consideration, and from other inquiry, become so far convinced of the true nature of the enterprise in agitation at Liverpool as to have determined on detaining the vessel. So far as this action went, it seems to have admitted the existence of a case of violation of the law of neutrality in one of her Majesty's ports of which the government of the United States had a right to complain. The question will then remain, how far the failure of the proceedings, thus admitted to have been instituted by her Majesty's government to prevent the departure of this vessel, affects the right of reclamation of the government of the United States for the grievous damage done to the property of their citizens in permitting the escape of this lawless pirate from its jurisdiction.

And here it may not be without its use to call to your lordship's recollection for a moment the fact that this question, like almost all others connected with

the duty of neutrals in time of war on the high seas, has been much agitated in the discussions heretofore held between the authorities of the two countries. During the latter part of the last century it fell to the lot of her Majesty's government to make the strongest remonstrances against the fitting out in the ports of the United States of vessels with an intent to prey upon British commerce—not, however, in the barbarous and illegal manner shown to have been practiced by No. 290, but subject to the forms of ultimate adjudication equally recognized by all civilized nations. And they went the further length of urging the acknowledgment of the principle of compensation in damages for the consequences of not preventing the departure of such vessels. That principle was formally recognized as valid by both parties in the 7th article of the treaty of the 19th November, 1794; and, accordingly, all cases of damage previously done by capture of British vessels or merchandise by vessels originally fitted out in the ports of the United States were therein agreed to be referred to a commission provided for by that treaty to award the necessary sums for full compensation.

I am well aware that the provisions of that treaty are no longer in force; and that even if they were, they bound only the United States to make good the damage done in the precise contingency then occurring. But I cannot for a moment permit myself to suppose that her Majesty's government, by the very act of pressing for the recognition of the principle in a treaty, when it applied for its own benefit, did not mean to be understood as equally ready to sustain it, at any and all times, when it might be justly applied to the omission to prevent similar action of British subjects within its own jurisdiction towards the people of the United States.

But I would beg further to call your lordship's attention to the circumstance that there is the strongest reason to believe that the claim for compensation in cases of this kind was not pressed by her Majesty's government merely in connexion with the obtaining a formal recognition of the principle in an express contract. This seems to have been but a later step, and one growing out of a previous advance of a similar demand, based only on general principles of equity, that should prevail at all times between nations. Here again it appears that the government of the United States, having admitted a failure down to a certain date in taking efficient steps to prevent the outfit in their ports of cruisers against the vessels of Great Britain, with whom they were at peace, recognized the validity of the claim advanced by Mr. Hammond, his Majesty's minister plenipotentiary at Philadelphia, for captures of British vessels subsequently made by those cruisers even *on the high seas*. This principle will be found acknowledged in its full length in the reply of Mr. Jefferson, then Secretary of State of the United States, dated 5th September, 1793, to a letter from Mr. Hammond of the 30th August preceding—a copy of which is unfortunately not in my possession—but which, from the tenor of the answer, I must presume to have itself distinctly presented the admitted ground of the claim.

Armed by the authority of such a precedent, having done all in my power to apprise her Majesty's government of the illegal enterprise in ample season for effecting its prevention, and being now enabled to show the injurious consequences to innocent parties relying upon the security of their commerce from any danger through British sources ensuing from the omission of her Majesty's government, however little designed, to apply the proper prevention in due season, I have the honor to inform your lordship of the directions which I have received from my government to solicit redress for the national and private injuries already thus sustained, as well as a more effective prevention of any repetition of such lawless and injurious proceedings in her Majesty's ports hereafter.

I pray your lordship to receive the assurances of the very high consideration with which I remain your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

[Enclosures.]

1. Letter of Captains Osborne, Allen, and Smith, to Mr. Dabney, 13th September, 1862.
2. Consular Agent Mackay to Mr. Dabney, 16th September, reporting destruction of vessels by the "290" at Flores.
3. Deposition of Captaine Doane, of the Starlight.
4. Deposition of Mr. Luce, of the ship Ocmulgee.
5. Memorandum by Mr. Dabney.
6. Mr. Dudley to Mr. Adams, 30th October.
7. Statement of Captain Julius, of the ship Tonawanda.
8. Deposition of Captain Harmon, of the bark Wave Crest.
9. Deposition of Captain Johnson, of the brig Dunkirk.
10. Deposition of Captain Simes, of the ship Emily Farnum, describing his capture and the burning of the ship Brilliant.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 265.]

LEGATION OF THE UNITED STATES,
London, November 27, 1862.

SIR: Since the date of my last to you I have received from the department despatches numbering from 389 to 398, inclusive, with the exception of 394.
* * * * * I have besides a copy of a printed circular, No. 27, concerning the resolutions of the New York Chamber of Commerce on the subject of the depredation of No. 290.

I may as well note the fact here, that on an examination of the files of your despatches I perceive that no No. 364 is to be found among them. By turning back the various acknowledgments in my own letters I see that it has never been noted as received. The further instructions in respect to the depredations of No. 290 seem to have been anticipated by my action last week. A copy of my formal representation to Lord Russell was forwarded with my despatch No. 262. Since that time I have received only a brief note of acknowledgment in his lordship's own handwriting, a copy of which is transmitted herewith. I yesterday heard of rumors flying about in the club-houses that the law officers of the crown had intimated some doubts of the strength of the government position. But as the same thing happened last year in the Trent case, I attach little importance to such indications. The vacancy created by the resignation of Sir John Harding as Queen's advocate has been filled by the appointment of Sir Robert Phillimore, whose authority on questions of international law ranks very high. Certain articles on the French proposition for mediation, signed Historicus, which appeared in the London Times a few days ago, are attributed to him.

In the mean time the outfits of vessels to run the blockade continue and multiply. I do not as yet obtain the necessary evidence to prove the preparation of war ships, but the arrival in the Arabia of Commander Maury and eight or nine rebel officers, including a Charleston pilot, at Liverpool, would seem to indicate that something is soon to be attempted. I am now waiting for further details of information from the respective consuls, in order to comprise in one view a statement of the hostile operations now going on in the ports of the

kingdom, which I propose to submit to the consideration of her Majesty's government.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November 22, 1862.*

MY DEAR SIR: I have received this day your official letter of the 20th respecting the gunboat Alabama or 290.

It shall receive the immediate attention of the government.

I remain your faithful servant,

RUSSELL.

C. F. ADAMS, Esq.

Mr. Adams to Mr. Seward.

No. 266.]

LEGATION OF THE UNITED STATES,
London, November 27, 1862.

SIR: I have the honor to transmit copies of two notes which have passed between Lord Russell and myself in relation to certain attempts supposed to have been made to enlist recruits for the army of the United States within this kingdom. Foreseeing the possibility of the imputation of some such act, I have, ever since my arrival here, taken great care to decline all the very numerous propositions made to me to sanction engagements for service. I was more decided in taking this course, that I early had reason to know the continuance of a feeling of soreness at the treatment of Sir John Crampton in America for acts of the same kind during the Russian war. It was, therefore, very easy to reply with confidence to his lordship's remonstrance. I have not yet been informed of the grounds upon which this was made; but from other sources rumors have reached me of efforts making by irresponsible individuals to send off persons as passengers to the United States, trusting to the security of the bounty paid on enlistments. It is possible that they may have constituted the basis of the remonstrance.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November 20, 1862.*

The undersigned, her Britannic Majesty's principal secretary of state for foreign affairs, has the honor to acquaint Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, that her Majesty's

government are informed by persons, to whom they are disposed to give credit, that recruits are being raised in this country for service in the army of the United States, and that bounty money of a considerable amount is offered by agents of the United States to encourage British subjects to enlist.

Mr. Adams must be well aware that any of her Majesty's subjects enlisting in the military service of either of the belligerent parties in America, or any persons procuring any of her Majesty's subjects to enlist in that service, are guilty of a misdemeanor according to British law; and Mr. Adams will readily see that such a practice as that to which the undersigned now calls his attention is calculated seriously to increase the difficulties already incident to the observance of neutrality by her Majesty's government.

The undersigned requests Mr. Adams to receive the assurance of his highest consideration.

RUSSELL.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 21, 1862.

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of a note from the right honorable Earl Russell, her Britannic Majesty's principal secretary of state for foreign affairs, dated the 20th instant, acquainting him that her Majesty's government are informed by persons to whom they are disposed to give credit, that recruits are being raised in this country for service in the army of the United States, and that bounty money of a considerable amount is offered by agents of the United States to encourage such enlistment. His lordship is further pleased to warn the undersigned of the fact that such acts are contrary to British law, and are calculated seriously to increase the difficulties already incident to the observance of neutrality by her Majesty's government.

The undersigned flatters himself that the earnestness of his previous and long-continued urgency on her Majesty's government to enforce the strict observance of neutrality in the ports of this kingdom in many cases of attempted violation of it on behalf of rebels against the authority of the United States, to which it has been his painful duty to call their attention, must have secured him from the suspicion of any disposition himself to give the smallest countenance to any enterprise or effort of a similar kind on behalf of the United States.

The undersigned not only has no knowledge of any such proceedings, but he has no belief that they can have been attempted by any persons really vested with authority as agents of the United States. Should it turn out that there are individuals assuming to act under such an authority, the undersigned will be obliged to Lord Russell for such information as he may possess that may enable him to ascertain who these persons may be, and to take the necessary measures to disavow their operations.

The undersigned requests Earl Russell to receive the assurances of his highest consideration.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c, &c, &c.

Mr. Seward to Mr. Adams.

No. 415.]

DEPARTMENT OF STATE,
Washington, November 30, 1862.

SIR: I have expected to be able to inform you that General Burnside has advanced across the Rappahannock. His preparations are ready, and the movement is imminent. He has a large and fine army.

General Banks's latest day assigned for embarkation has passed. I trust he will be on his way when this despatch leaves the coast. The Passaic has at last left her port. The Secretary of the Navy reckons confidently on the rapid completion and despatch of sufficient iron-clad auxiliaries to reduce Charleston.

The gold speculation seems to have passed its zenith, and to be decidedly declining.

More of moderation and self-reliance is manifested by the people now than at any time since the war began.

Congress has come together in, I think, a good, practical and patriotic temper. The President's message grasps the subject of slavery earnestly and confidently. It would be unbecoming, even if it were possible, to predict the reception which his bold suggestion of gradual and compensated emancipation will meet. It is something to know, perhaps it is all that can be known now, that the great problem of the civil war maintains its importance, and secures the consideration it deserves. While the people hesitate, doubt, and divide upon each new suggestion that is made for the solution of the problem, they no longer shrink from contemplating and studying it. If they seem to the world to be slow in reaching it, the world ought to be reassured of their success by the reflection that no nation ever advanced faster in a task so complicated and so difficult. The great question heretofore has been: Can the constitutional Union endure through the trial? There is no longer any ground for despondency on that point. When we compare the military and naval conditions of the country now with what they were when Congress came together a year ago—when we compare the condition of our foreign relations now existing with that which prevailed when Congress assembled a year ago—we see evidences of strength, power, and stability which then it would have seemed presumptuous to expect.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 268.]

LEGATION OF THE UNITED STATES,
London, December 4, 1862.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 399 to 407, inclusive, with the exception of No. 404; also despatch No. 396, noted as missing last week.

Little has taken place here worthy of note since the date of my last. Public attention has been much drawn to the state of affairs on the continent, the effect of which is to divert it in a corresponding degree from America. * * * So far events must be considered as looking favorably for the United States. There is less appearance of a desire to intermeddle with our differences. The distress in the manufacturing districts has gradually reached a height sufficient

to bring out a corresponding effort to provide for it. It is more than likely that from this time it will become less and less burdensome. Such engagements have been entered into for a prospective supply of cotton from other sources than the United States that a probability of a sudden reopening of our ports is beginning to be viewed with quite as much of apprehension as desire. The chief event that is looked for is the moment when the price of the manufactured product will have risen so high as to render a resumption of labor, under the ruling price of the raw material, profitable. Thus far it is notorious here that all the markets of the world, to which the English have access, had been, prior to the troubles, so much glutted with their cotton goods as, in spite of the subsequent cessation of manufacture, not yet to have recovered their equilibrium. But the passage of each day now contributes to restore it. And though it may be yet a great while before the manufacture will return to its pristine proportions, there is strong reason to believe that it will not be long before an expansion will take the place of the contraction of industry. This commercial revolution, like the political one now going on in America, has reached such a pass that it seems for the interest of the whole world that there should be no falling back into it hereafter. The establishment of various sources of supply of cotton, by other than slave labor, is now rendered in the highest degree likely. The restriction upon the exportation of it from America is not then to be regarded as by any means an unmixed evil. Rather is it to be considered as likely out of evil to educe a greater good. Had the rebels been as successful in their labors of destruction of their own property as they at one time pretended, I am not at all sure that they would not have done everybody but themselves a most essential service.

I only fear the extent of their failure of performance. For, even at this moment, any restoration of their old system of labor in producing this commodity of cotton is to be regarded as one of the events the most to be deprecated by all the highest interests of humanity everywhere on the globe. It was an overweening confidence in the power of an apparent monopoly which precipitated these misguided men into the abyss into which they find themselves plunged. To extricate them, with the retention of any means of reviving in them their former delusion, would be no true charity to them, whilst it would endanger the peace and happiness of everybody else.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

Mr. Seward to Mr. Adams.

No. 418.]

DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: Your dispatch of November 21 (No. 214) has been received.

The President is of opinion that the dignity of the country and the interests of peace concur in requiring forbearance on the part of this government from discussing the motives, objects, and legitimate tendency of the late movement of France in regard to our national affairs. I may, perhaps, without departing from this course, inform you that the popular judgment in this country is unanimous in ascribing that proceeding to designs on the part of the Emperor, which are not only hostile, but aggressive. The President does not accept this interpretation, but thinks, on the contrary, that the proceeding was an ill-advised one, grounded upon erroneous assumptions in regard to the military and nava

condition of the country, and a mistaken desire to counsel in a case where all foreign counsel excites distrust, and must be rejected with firmness. I may add, that the determination of Congress and of the people to hold the country in a condition of defence, adequate to meet any foreign intervention, has been intensified by the appearance of the proposition of Mr. Drouyn de l'Huys.

There is a very simple explanation of the misunderstanding into which the French government was led in regard to the disposition of the American people and their government, to which Earl Russell has referred. The insurgent invasion of the loyal States last summer, as I so often had occasion to show you, produced for the moment a state of apparent consternation and confusion, of which the sympathizers with the insurgents in New York profited in their intercourse with some of the foreign ministers residing in the United States. These ministers doubtlessly conveyed to their governments the sentiments and purposes, not of this government or of the people, but of a party which grew in the night of despondency, and disappeared so soon as the sunlight of national prosperity reappeared. It is a pleasing reflection now that no pains were spared by the President to counteract the mischief which was thus set on foot, and to save foreign nations from the inconveniences which it might bring upon them.

I notice in the communication of Earl Russell the appearance rather than the expression of a belief that the United States are more tolerant of real or apparent injury from France than of such injury coming from Great Britain, and that they would prefer rather the friendship of the former than of the latter country. Perhaps a word or two on this subject may not now be out of season. Beyond all doubt the people of the United States desire peace and friendship with both of those powers. A traditional sympathy with France has come down to us from the revolutionary age. It has not, however, been strong enough for many years past to persuade the American people to bear with patience any aggression that France might commit. On the other hand, two wars with Great Britain have left memories that are impatient. But the growing intercourse between the two countries has counteracted those memories, so that the people would not willingly do Great Britain any wrong, but, on the other hand, they are in a temper to become fast friends. The joint proceedings of the two countries in regard to this war have neutralized those national sentiments in a large degree. Our commerce has suffered, and our armies have been hindered by actual co-operation of British subjects with the insurgents, while no considerable grievances of that kind have been inflicted upon us by France. I do not profess to know, nor do I care to inquire, whether the French press and the French statesmen have been as intolerant towards us as the British press and the British statesmen. It is enough that the latter speak and print in our own tongue, and everybody on this side of the Atlantic reads and hears them. The French employ a different language, and, practically, are not read and heard in our country. The people have hitherto been jealous and watchful of both Great Britain and France, because the language and the proceedings of each were not as forbearing, or, if it would suit them better, I would say not so generous, as was expected, and because there was a prevailing consciousness on our part that we were not yet fully prepared for a foreign war. This latter conviction is passing away. It is now apparent to observing and considerate men that no European state is as really capable to do us harm as we are capable to defend ourselves. There is, moreover, a general conviction that we have deserved peace and friendship at the hands of all nations, and that if war must come from any foreign quarter, our cause will be a just one, and such a war would rather strengthen the Union than add to its present dangers. The time, therefore, is a propitious one for the restoration of harmonious relations between the United States and Great Britain. It will be through her own fault, not ours, if the restoration does not come. All that stands in the way of it is the injurious attitude of armed neutrality between the United States and a domestic faction that is seek-

ing their overthrow—a neutrality that, as we think, was unnecessarily proclaimed, and has resulted in making British ports a base for a feeble yet irritating and vexatious maritime war against this country. British ships and even fleets ride in our ports free, honored, and respected. Armed vessels of the United States are allowed only restricted entrance, with irritating conditions, in British ports, colonial as well as domestic, when they are sent to watch the appearance of privately armed hostile expeditions sent out from those ports by or through the activity of British subjects—an activity which, although forbidden, is nevertheless practiced with impunity, and in defiance of municipal law as well as international justice. It no longer rests with this country to suggest remedies for this evil. All that could be suggested on that subject has been offered and reiterated. The whole case may be summed up in this: The United States claim, and they must continually claim, that in this war they are a whole sovereign nation, and entitled to the same respect as such that they accord to Great Britain. Great Britain does not treat them as such a sovereign, and hence all the evils that disturb their intercourse and endanger their friendship. Great Britain justifies her course and perseveres. The United States do not admit the justification, and so they are obliged to complain and stand upon their guard. Those in either country who desire to see the two nations remain in this relation are not well-advised friends of either of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 421.]

DEPARTMENT OF STATE,
Washington, December 8, 1862.

SIR: Your despatch of November 20 (No. 262) is received. The President is content that you shall exercise your discretion as to the manner of presenting the claims growing out of the depredations of the "290," with which you are charged, and he authorizes me, therefore, to approve the note addressed by you to Earl Russell which accompanied your despatch.

You have rightly judged that it is no part of the purpose of this government to harass that of Great Britain by impatient demands for the immediate adjustment of the claims for pecuniary reparation. The purpose first is, prevention of similar injuries hereafter. It is clear that there will soon be no commerce left to the United States if the transaction of the "290" is to be repeated and reiterated without check and with impunity.

It ought not to be doubted in Great Britain that a people who are only second in commerce to the British nation itself cannot quietly consent to a wrongful strangulation of their foreign trade.

Notices have already been received at this department of the intention of some foreign powers to demand redress and reparation for commercial depredations on innocent foreigners which have been committed by the insurgents, although they were committed by citizens who were, at the time, in a state of actual armed insurrection and defiant hostility against the federal authority. Beyond doubt we should have no sufficient answer to such claims if we had tolerated or excused, or failed to put forth all the efforts of the government to prevent the acts of piracy complained of. How does the case of the "290" differ from what, under other circumstances, would be our own? Great Britain is mistress in her own ports and waters. We cannot enter those ports and waters with armed force. Insomuch as steam can only be successfully em-

ployed against steam in war, her rigorous and almost absolute exclusion of our navy from her ports and waters deprives us of the power to watch for and seize, upon their appearance in the open sea, the steam war vessels which her own subjects build, equip, and despatch from her own ports, virtually, though undesignedly, under the protection of her own government. It seems to the President an incontestable principle, that whatever injury is committed by the subjects of Great Britain upon citizens of the United States, either within the British dominions or upon the high seas, in expeditions thus proceeding from British ports and posts, ought to be redressed by her Majesty's government, unless they shall be excused from liability upon the ground that the government had made all reasonable efforts to prevent the injury from being inflicted. If it shall appear in the sequel that the government did make all such reasonable efforts in the case of the "290," still this will not meet the case of other and future depredations in expeditions which, as it is now publicly known, are being prepared in Great Britain. There would seem to be no answer in such future cases, except that there is no obligation on the part of Great Britain to put forth efforts adequate to the prevention of such unlawful proceedings against friendly nations. Such a principle, generally accepted by nations, would be followed by universal piracy, and commercial states would be required thereafter to conduct their exchanges upon the ocean by the employment of armed vessels or convoys. The President feels himself all the more at liberty to insist upon such measures of prevention, because, first, a license to such transaction would be, while it should continue, only less injurious to Great Britain than to the United States, the safest possible commerce between the two nations being equally important to both of them. Secondly, because it is manifestly the interest of all commercial nations that wars, whether civil or international, shall be closely confined to the parties who have voluntarily or necessarily engaged in them. This government is aware that it is said, that although the "290" was despatched from a British port, yet she was nevertheless not armed, equipped, and manned within the port. But the fact is undisputed that she issued from the port and proceeded, by pre-concert, to a convenient station, and that there she received her crew, her equipment, and her arms, all of which were sent out to her by the same British subjects who built and despatched her. In criminal law an illegal transaction, as it is none the less injurious, so it is none the less illegal, because its preparation is broken up into parts and effected in several places instead of one. Such subdivision being adopted simply with a view to evade the law is fraudulent in itself, and an aggravation rather than an extenuation of the offence.

With these explanations of the views of the President, which you may use or refrain from using in your negotiations as you deem expedient, I leave the affair for the present in your own able hands.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 271.]

LEGATION OF THE UNITED STATES,

London, December 11, 1862.

SIR: I have to acknowledge the reception of your despatches from the department, numbered from 408 to 411, inclusive, and likewise the missing one of last week, No. 404.

There is little to note in the events of the past week. The tone of the public

sentiment is softening towards the United States, if we may judge from the very favorable reception given in several places to most decided expressions of sentiment by members of Parliament in their addresses to their constituents. Of these I would particularly instance the speeches of Mr. Foster at Bradford, of Messrs. Conyngham and White at Brighton, and of Mr. Leatham at Huddersfield. In all these cases there is no doubtful sound. The only obstacle to progress in this direction is made by the intelligence of growing hostility on our side. Coming, as it now does, after the reception of the news of the action taken here on the French proposal, I must admit that I have been myself surprised. It seems to invalidate the opinion expressed by me to Lord Russell as to the probable effect of that proceeding. As yet, however, we have received reports only through the untrustworthy summary of the telegraph. We hear of the proceedings of a popular meeting of the democratic party in the city of New York, which appears to contemplate the possibility of a war with this country as a base of reunion at home. Inasmuch as this scatters to the winds most of the grave speculations of the *London Times*, intended to hold up to the public view the successes of that party in the elections as the symptoms of a conservative reaction in harmony with British opinion, it is not without its useful side. But I shall await with much interest the arrival of the next steamer, which will probably bring to me your views of the report of my conference with Lord Russell, as well as those of the President in his message at the opening of Congress. Upon the tone taken in the latter just at this moment much stress will be laid on this side, and the future relations of the two countries will materially depend.

The great obstacle in the way of the better understanding which would naturally follow from this state of things is to be found in the movements going on in this kingdom under strong appeals making to the avarice of the commercial interest by the desperate insurgents. There is scarcely a limit to the extent of the offers made to secure assistance. Much of the evidence upon which I make this statement has been already laid before you from other quarters. It appears that a loan, to a large amount, has been effected on the security of cotton to be furnished at a price which would secure an enormous profit to the holders, and that a corresponding rate of gain has been held out for the delivery of goods of which the rebels now stand in the most absolute need. This discovery furnishes at last an explanation of the sources of the large sums of money which have been lavished at a most reckless rate in the purchase and construction of steamers of all kinds, and munitions of war, in the despatch of military adventurers from the continent, and in the purchase of every variety of article that is needed to supply existing domestic wants in those States. The ports of Liverpool and London are filled with vessels taking in commodities destined for the insurgents. At the same time, a strong interest is thus formed which must be brought to bear more or less forcibly on the policy of the government towards the United States. The existence of loans here which can gain value only by the recognition of the insurgents as a State is, of itself, a material element of hostility to our success. Hence, there will be people not at all slow to inflame every little cause of difference between the two countries, and to stimulate the co-operation with the more positive policy of Napoleon, in bringing about the only result that can secure favorable returns to their hazardous ventures.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 423.]

DEPARTMENT OF STATE,
Washington, December 13, 1862.

SIR: Your despatch of November 27 (No. 266) has been received, together with copies of the notes which have been exchanged between Earl Russell and yourself, on the subject of alleged enlistments by agents of the United States within the British dominions.

Your answer to the complaint is approved, and you are authorized further to assure his lordship that this government has no agents of any kind in Great Britain, or any foreign country, who are authorized to enlist or do anything in the way of enlisting, recruiting, or engaging soldiers or seamen for the military or naval forces of the United States. Nor has the government any knowledge that any persons are so engaged, under any pretence of authority to that effect. The United States do not deny, but, on the contrary, they avow, that voluntary immigration is a cardinal element of their prosperity. They invite and encourage it, but only by lawful means. The army and the navy, as well as the occupations of civil life, whether in time of peace or war, are open always to immigrants, as they are to all other classes of competent persons who may desire to volunteer on their arrival within the country, or at any time afterwards, but not until they have arrived on our shores and identified themselves with the masses who are subject to our own jurisdiction and laws.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No 425.]

DEPARTMENT OF STATE,
Washington, December 15, 1862.

SIR: The excitement which attended the late political canvass having subsided, the public mind returns again from its wanderings to engage itself with the military situation.

The army under General Burnside, which had been some time gathering upon the north bank of the Rappahannock, crossed that river on Friday and Saturday last in perfect order, and with signal exhibitions of heroism. The insurgents were dislodged from the town, and retired to their defences upon the hills beyond it. At the moment when I am writing, however, General Burnside, for reasons not yet explained, has withdrawn his forces to the north side of the river, and the two armies are now separated from each other by its shores. General Burnside had, when he commenced crossing the river, one hundred and thirty thousand men under his command. The addition of General Sigel's corps gave the commanding general last night fifteen thousand more, and to-day he will receive still another fifteen thousand. It is not easily understood how a general could handle a force larger than this.

Major General Banks sailed from New York fifteen days ago with re-enforcements for New Orleans, and we suppose that he must before this time have reached and taken command in that city. With the additional forces which are now descending through the valley of the Mississippi under Generals Grant and Curtis, and a very large land and naval expedition that is waiting at Cairo, as I understand, only for a slight rise of the river, it is expected that the Mississippi will be entirely freed from the insurgents, and become a base for opera-

tions eastward through Alabama and westward to the Rio Grande. Generals Curtis and Grant have had satisfactory successes. General Rosecrans, who is in command at Nashville, and is expected to operate against Chattanooga and the passes in East Tennessee, has been less demonstrative than was expected, but we have no reason to apprehend any ultimate failure of his projected campaign.

The political atmosphere begins to exhibit phenomena indicative of a weariness of the war, and a desire for peace on both sides. There are suggestions, perhaps as yet all of them visionary, of terms or bases of conciliation. No propositions or intimations, however, have come from the insurgent faction, and of course none have been communicated by the government. The public mind has been recently too much disturbed by incidental and collateral questions to study closely the progress of the war, and to measure the exhaustion of the insurgents. We are, therefore, without any conclusive evidence of their actual temper at this moment.

The return of members of Congress from Louisiana, and the holding of elections for the same purpose in North Carolina and Virginia, have nevertheless an undoubted significance.

The intended demonstration of iron-clad steamers is yet withheld for want of sufficient vessels. We continually see new vessels launched, and the workmen engaged in preparing them. But we do not find ourselves in possession of the overawing force of that kind which is necessary for watching at Hampton roads, and reaching at the same time Mobile and Charleston. The *Passaic*, when she arrived at the place of rendezvous, was found to be somewhat incomplete. She was sent up to the navy yard here, and will go out in good condition to-day. The *Montauk* goes to sea to-day or to-morrow. The "290" still escapes us, but the navy redoubles its exertions for her capture.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 275.]

LEGATION OF THE UNITED STATES,
London, December 18, 1862.

SIR: Since the date of my last your despatches, numbered from 412 to 416, inclusive, have come to hand. Likewise a printed circular (No. 28) of the 14th of November, relative to the operation of the act of July 1, 1862, on the salaries of public officers abroad.

There is no change worthy of note in the state of affairs here during the past week. The tone of the President's message in treating of the foreign relations is regarded with more favor, for the reason that something of a different kind had been anticipated in quarters where it was hoped an interpretation might be made of it to our disadvantage. I continue of the opinion that a gradual reaction is taking place in the popular sentiment, which will be materially promoted by the accounts of the very noble spirit manifested at New York towards the distressed operatives in Lancashire. This reaction may become quite general in the nation, if it should find support in the successful progress of our arms; but without that nothing really beneficial can be expected.

On the other hand, the efforts making by the rebel emissaries and their friends continue on the most extensive scale. An association has been formed in this place called the London Confederate States Aid Association, the objects of

which are set forth in the little pamphlet, a copy of which is herewith transmitted. An office has been opened in a house in the next street to that in which I am writing, at which place meetings for discussion are held every Wednesday evening. These are not, however, absolutely open to the public at large. A card of admission is necessary, like that I send herewith, needing, however, the countersign of the secretary, Rector Smith, M. D., to make it available. Who this Dr. Smith is I do not know. All that I can learn is that he came originally from Kentucky, but has been settled here for some time as a practicing physician. He boasts of having a brother in southern Illinois, who is an effective ally to the rebel cause, and is frequently sent as far as Chicago on their business. The meetings are held in a room not capable of accommodating many persons. At one of the earlier ones one person appeared who ventured to question some remark made by one of the speakers, for which act he was immediately expelled. A box is placed at the entrance in the nature of a poor's box, intended to receive any anonymous contributions which may be made by English sympathizers without committing themselves. A few small sums are obtained that way. * * * * *

I need not enlarge upon the literal or logical peculiarities of their pamphlet. It is enough to observe that it indicates a degree of despair and distress at home, which I could scarcely have supposed the advocates of recognition here would be willing to confess. The production has been rather cautiously issued only to persons supposed to be inclined to sympathize. I have obtained some copies which I have not feared to put into the hands of leading gentlemen here. This organization is sanctioned by Mason, Lieutenant Maury, and the rest of the active emissaries in London, though I do not attribute the authorship of the production to them. Its success thus far has not been much. But I am told they contemplate larger operations presently, when an effort will be made to carry a measure of recognition through Parliament.

Lieutenant Maury professes to have come here for the purpose of bringing a son out for his education. He is really sent to forward the despatch of five war vessels building at Liverpool and elsewhere for the rebels. I learn, moreover, that as many more are building of iron at Bordeaux and Nantes; but you doubtless have sources of more accurate information as to those from France itself. We are watching the progress of the English ones, and hope to be able to obtain in season the evidence on which to base a new remonstrance to her Majesty's government. In the meanwhile the transmission of supplies goes on with unabated industry. The steamer *Princess Royal* left last week with a very valuable cargo, including all the armor plates intended for a vessel at Charleston. Her nominal destination is Halifax, to take in coals, but she has a Charleston pilot on board, and will attempt a direct voyage, if the weather and other circumstances prove propitious. The difficulty in preventing ingress and egress at that port seems to have proved so great that I scarcely dare to hope she will be intercepted. From the number of pilots sent out from that point I am led to infer they find it almost their only dependence. Yet, in spite of all their success, the severity of their distress sufficiently proves the general effectiveness of the blockade. It is very much to be desired that within the next three months some further results may be arrived at in obtaining their remaining ports, which will render all the armament they are preparing here to break the blockade of little worth.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Card of admission.]

THE LONDON

Confederate States Aid Association.

3 Devonshire street, Portland Place, W.

[Pamphlet referred to.]

An address to the British public and all sympathizers in Europe, from the London Confederate States Aid Association.

We most earnestly and sincerely solicit your co-operation, aid, and support to the cause of the Confederate States of America. They are now engaged in a war of defence against a most fearful odds of unscrupulous enemies.

Their immense coast is blockaded, and their entire communication cut off from the rest of mankind. Their harbors have been destroyed, their rivers and waters are in the possession of their enemies.

Laws have been passed confiscating their property, and forcing the oath of allegiance under the pains and penalty of death.

Their women have been insulted, imprisoned, flogged, violated, and outraged in a most inhuman and savage manner. Their homes and goods have been destroyed, their houses forcibly entered, the helpless and unresisting inmates murdered, the fleeing overtaken and cut down in cold blood by their savage soldiery.

Respectable and peaceable unarmed citizens have been arrested and imprisoned, others shot or hung in the presence of their families, without a moment's warning, or the slightest pretext or provocation whatever. Their villages, towns, and cities have been destroyed and made desolate plains; their once productive fields laid waste, made barren, and crimsoned with their own blood.

That their invaders are bent on mischief, robbery, murder, arson, and crimes of the most revolting nature, cannot be doubted. The past history of this war demonstrates but too clearly their fiendish and demoniacal purpose; they destroy everything they come in reach of, both man and beast. They are now glutting their hellish rage against the people they seek to destroy, in inflicting every kind of torture, punishment, and misery that their fruitful minds can invent, upon those that they fain would call fellow-citizens. In this raid nothing seems so much to delight them as spreading wild ruin, devastation, destruction, and universal desolation throughout the land they have invaded, for the purpose of revenge and hatred. In their fury, malice, and madness, they have spent millions to destroy the natural channels of the waters that wash southern shores. The atrocities, cruelties, crimes, and outrages committed against the south in this war are without a parallel in the history of the world. Added to these misfortunes and calamities, foreign nations have treated them with unprecedented severity, oppression, unfairness and rigor; they have denied them a voice in their courts, and refuse to have any communication with them whatever. The Confederate States are left without an alternative, either successful resistance or dishonored graves. This war can only terminate in the entire destruction of the south and the annihilation of her people, or in her ability to drive the enemy from her territory, and establish and maintain her institutions inviolate.

The United States of America, eighteen months ago, declared the entire confederate coast blockaded; the declaration was not worth the paper on which it was written without the approval of the great powers of Europe; and though

the law regulating the question as to what constituted a blockade, and momentous interest was in direct opposition, all questions were waived, the legality acknowledged, the blockade acquiesced in, and made binding, thus cutting off all communication between us and what was heretofore the largest producing, exporting, importing, and consuming market in the world. This has had a most ruinous and destructive influence on our commerce and prosperity, which is beginning to be severely felt by all classes of society, but more especially the manufacturing and laboring portion of the people; all branches of business have been depreciated to ruinous rates, even to suspension. The real necessities and wants of the people cannot be supplied; untold numbers have been thrown out of work, and are wandering about seeking employment in vain, until they are worn out by hunger, thirst, and starvation. Our fundamental sources of wealth, greatness, affluence, power, and independence have been, in a great measure, suspended by yielding to the infamous acts of a haughty tyrant.

The importance that we have heretofore attached to the trade of the north has deceived us, and dwindles into insignificance when compared to that of the south; the absurdity of their promise to supply us with cotton through their ports can now be seen by every one.

Most strange and extraordinary, every speaker and writer on the subject of the cotton famine is giving the public mind the wrong direction. It can only be found where it is, and can only be produced regularly in large quantities where climate, soil, and geographical position is favorable to its production, and that can only be determined by the experience of a series of years.

After a careful and most thorough investigation of the subject, we are irresistibly forced to the conclusion that no other country can produce so good, cheap, and large supply as the old, well-tried fields of the Confederate States of America; therefore we are of opinion that this country cannot rely, with any degree of certainty, on any other market. The emergency, necessity, and real wants of the hour incontestably prove our conclusion to be well founded.

We have seen the absurdity and folly of relying on other markets for supplies. Almost as soon as our old stock has been worked, our mills have been compelled to stop; though fabulous prices have been offered, no adequate quantity can be had. Notwithstanding our old market has abundance and to spare, at the moderate price of threepence per pound, and from that source the United States, and those that sustain them in their policy, has denied us our ordinary supplies, the want of which has been the direct cause of the starvation and distress in Lancashire. It is hard that the innocent should suffer to aid the cause of cruelty and tyranny in a crusade against the unoffending south.

Every impartial mind must be convinced that if the south had had the same facilities of obtaining war material from abroad as the north, that the war would have been ended long since. We are of opinion that peace can only be obtained by the success of confederate arms, and that all the embarrassments thrown in their way will only prolong the contest.

To what extent individuals and nations are responsible for permitting the destruction of life and property that they could in their own lawful right prohibit, is a question worthy the attention and consideration of the civilized world. The indifference manifested in the immense interest that we have at stake and involved in this war is well calculated to alarm our fears, and awaken in us emotions of the gravest character. The indications are certainly very clear that our government intends to persist in the policy that they have seen proper to adopt towards the belligerents, and it is equally clear to our minds that, under that policy, the war will continue for many long years. Under all their difficulties the confederate government has grown stronger and stronger every day; unaided by any one, their onward march to power and greatness seems inevitable under perhaps the greatest sufferings that humanity was ever called to pass through; heroically and nobly have they fought through many bloody

battles; undaunted and undismayed in defeat; calm, mild, and unexulting in victory; and have shown themselves worthy of a place amongst the nations of the earth.

We are persuaded that it is only necessary here to call your attention to the great sufferings of our own people, and the identity of interest that we have with the south in the war, and the lamentable and desperate condition of the people of the Confederate States of America are owing principally to the enormous unfairness exerted against them, and the disadvantage that they labor under in obtaining war material to defend themselves against vastly superior numbers, to awaken you to a sense of the importance of arresting the horrors of the blood-stained march of tyranny, and the reign of crimes and terrors now carried on against the confederates by the federals, and restore to them liberty, peace—and happiness to our country. To the accomplishment of these ends and purposes we turn to you in the name of suffering Lancashire, civilization, justice, peace, liberty, humanity, Christianity, and a candid world; and by the highest considerations that can call men to action, we beg you to come forward to aid, contribute, and support a brave and valiant people that are fighting for their homes, firesides, birth-right, lives, independence, sacred honor, and all that is near and dear to mankind. By all the sorrows, deprivations, bereavements, losses, hardships, and sufferings that now engulf the confederate people, we appeal to you to arouse and rush to their aid with your pence, shillings, and pounds; give them your sympathy, countenance, and influence to hurl the tyrants from their country, and obtain the greatest boon to man—self-government.

Fairest and best of earth, for the sake of violated innocence, insulted virtue, and the honor of your sex, come in woman's majesty and omnipotence, and give strength to a cause that has for its object the highest human aims, the amelioration and exaltation of humanity.

At a meeting of the Confederate States Aid Association, held at their rooms on the evening of Wednesday, the 20th of August, 1862, the following report was unanimously adopted.

It is notorious from the history of the late United States for the last fourteen years that the laws of the land were not enforced throughout a great portion of the northern section of the country. It is undeniable that the government of Washington was wholly impotent to compel obedience; and that the enactments of the federal legislature, indorsed and expounded by the Supreme Court of judicature, were in most of the northern States of the late federal Union become a dead letter.

Ohio, New Jersey, Connecticut, Massachusetts, Vermont, Maine, Michigan, Iowa, Wisconsin, and others of the western States, by a formal act of their legislatures, made it positively penal to execute within their districts the federal laws of the land, and forbade the officers of the federal government to execute them within their borders. The message of President Franklin Pierce, issued in 1856, proves this to demonstration.

The plain consequence of this action on the part of the northern States amounted to a virtual dissolution of the Union, and absolved the southern States from allegiance to the national compact, the constitution of which indispensably provided for the administration of the general laws enacted for the benefit of all.

For the whole of that period the southern States suffered much and long the deprivation of their national rights for the sake of preserving their common nationality, and from fear of the disruption of the ties which bound the several States in a common national federal Union. They found themselves without a government, save that of their own individual States; neither life nor property was secured to them by law outside their own borders, nor did the national government possess power to protect either the one or the other, as by the com-

mon laws of mankind the supreme government is bound to be enabled to do. The south held firmly to all the conditions of the national federation, and religiously performed all the duties which were consequent upon a partnership under a union of States, in a federal government, by the common consent of such States, and formed upon the basis of their mutual interests.

Such consent was destroyed by the regular and organized action of a political conspiracy to contravene the obligations of the common and national Union. The party now in power at Washington are the persons who undeniably organized this conspiracy. With systematic disloyalty to the federal laws, vigilant committees were formed in the northern States to resist the law, until they became strong enough to nominate the chief officer of the nation the head of vigilant committeeism, under a higher law than the laws of the land, acknowledging no other restriction or obligation than that imposed by their own conscience, and violently and successfully resisting the plain terms of the compact of the national Union. Having made every possible concession to the north for the sake of preserving such Union, the south consented to the imposition of tariffs which were seriously detrimental to their commercial interests; they allowed the north to monopolize the whole of their shipping and carrying trade; they submitted to be shut out from free trade with Europe and the rest of the civilized world, and to exchange the products of one of the richest agricultural countries on the face of the globe, only through the medium of the brokers of the north, whose manufactures were exchanged with them under the most stringent protective provisions, and unmistakably productive to the northern interests. This they endured until long suffering ceased to be a virtue, and the laws of self-defence imperatively called upon them to act. The consequences had been long foreseen, and loudly proclaimed by the ablest statesmen of both sections of the Union, who, in the common interest of the nation, solemnly implored the calm consideration of the consequences of an action which inevitably tended to the disruption of the federal Union, but without effect.

Compromise was again and again attempted, but without practical result; at the very last an equitable adjustment of the differences in question between the two sections was offered, and contemptuously refused. The north appealed to force as its sole remedy, and at this day we see what has been the result of the appeal. In the face of her necessities, and with full consciousness of all the difficulties and dangers that she run, the southern confederacy determined to assert her independence. In the month of May, 1860, the federal States of North and South Carolina, Georgia, Alabama, Florida, Mississippi, and Louisiana formed a national compact, by the regular action of their people, under the provisions of the Constitution, and in conformity with its regulations, to secede from the Union, by and with the consent of the people.

It has been incessantly asserted that such consent was obtained by violence and under restraint, but the whole facts of the contest which ensued offer a plain contradiction to such an opinion, and give the lie to such an assertion. The government then appointed have peaceably and without interruption conducted the affairs of the nation, then constituted, up to the present time; they have met with no opposition within their borders; their government, their army, their laws have been regularly and orderly arranged, constituted, and administered. One by one the border States, by regular constitutional action, joined the seceding Confederate States, and the government, which originally prepared at Montgomery to brave the hostility of the rich and powerful northern States, found itself enabled to establish itself permanently at Richmond, the capital of the Old Dominion, the most noble and the most honored of the States which formed the *quondam* Union. They were without arms, without a navy, without foundries, and without ammunition; they were cut off from all communication with other nations by the overwhelming supremacy of the federal navy. Their officers, the sons of their oldest families, who were on service in the federal

army and navy, were arrested and committed to prison on their resigning a commission which the national action of their homes left them no alternative but to send in, and yet against all the odds of the contest, against all the odds of the preparation, and the fearful preponderance of military and scientific appliances, which the power and wealth of the north and their undisputed possession of the sea enabled them to procure from the markets of Europe, the Confederate States, on the 21st July, 1861, succeeded in hurling back with loss and destruction the invading army of the north, which had^d boasted that in sixty days they would completely subjugate the country which had dared to be free. Can any one, at the present day, venture to dispute the right of the southern confederacy to a separate existence, which she has equally maintained by the success of her armies in the field and by the regular administration of the laws and constituted authorities at home?

Under these circumstances it becomes important to see what has been the action of England towards the Confederate States. From the very commencement of this war of independence, every newspaper, every magazine, and almost every public organ of information, seem to have accepted a retainer on the northern side.

The secession was termed a rebellion. Every telegram from the government of Washington and every article from the press of New York, dictated by their suggestion, was accepted as true by those who professed to give intelligence of the events occurring on the other side of the Atlantic. No single writer known to English literature ventured to raise his voice in favor of a cause which peculiarly recommended itself to British sympathies, as being a struggle of freemen for independence.

The world seemed overwhelmed with the audacious assertion of the northern organs of public opinion without demanding a tittle of proof; morbid and over sensitive religious feeling accepted, unquestioned, the accounts of Mrs. Beecher Stowe as a faithful representation of the social status of the slaveholding country, and looked upon the disruption as a violent attempt to perpetuate such a condition of things and persons against the better sense of the majority of the nation at large.

When Dr. Lempriere, in August, 1861, published his "American Crisis," his advocacy of the southern cause was greeted with an almost universal shout of obloquy. The Edinburgh Review, which, in 1832, had ventured to suggest that the people of England, if deprived by the legislature of the electoral franchise they demanded, had a right to arm themselves against the executive, expressed their astonishment that a member of the bar and a fellow of the University of Oxford should dare to advocate a cause which the common humanity of Europe repudiated. Mr. Spence, of Liverpool, by his admirable philosophical treatise on the American Union, staggered these unthinking politicians, while his calm and irresistible logic dissipated all the fallacies unsparingly put forward to cloud the intelligence of England from apprehending the true state of affairs. Even the ludicrous piracy of the Trent, the monstrous propositions of international law, and insolent defiance of England, consequent on Commodore Wilkes's seizure of Messrs. Mason and Slidell, all seemed to be atoned by the submission of the Washington cabinet, arrogant as it was. The government refused to listen to the representations, forced upon them from all quarters, of the insufficiency of the blockade of 3,800 miles of coast, by a navy composed in a great part of merchant ships extemporized into vessels-of-war, and although they were compelled by Lord Derby's irresistible definition of the right of the confederates to be treated as belligerents, to treat both parties on an equal footing as regards the Queen's proclamation, they missed the only opportunity that was ever afforded to them of asserting the right of commerce, which all neutral nations, since 1798, have been by the common consent of Europe allowed to exercise, with the sole condition that they do not carry articles contraband of war.

They proclaimed and have rigidly adhered to a policy which is nominally perfect neutrality, but which in reality exclusively favors the northern side. By the command of the sea the north has been able to draw from England the whole of her munitions of war, and to arm herself with every military appliance which the skill and science of England was able to give them; while, on the other hand, not a single cargo of the common necessities of life, such as salt, coffee, &c., &c., clothing, implements of husbandry, even needles and sewing cotton, was able to reach the south without the risk of being denounced in England, and being taken by the federal cruisers long before it reached its destination. But though the government has been thus consistently what they call neutral, the people of England have gradually awakened to a better understanding. On the one hand, the conquest by the south of a clear and indisputable title to independence, the acquiescence and consent of her people to the constituted authority of the government, the statesmanship and order of her rulers, both military and civil, the solemn and regular character of the proceedings of the legislature, and the state papers which issued from the several governmental bureaus, won the admiration of men who are nationally lovers of law and of order. On the other hand, the continued falsehoods authorized by the cabinet of Washington, the outrageous disregard of truth and decency, as well in diplomatic correspondence as in the dispatches of their military officers, the inhuman and brutal conduct of their generals, the license of their troops, as well as their utter inefficiency, tore away the veil from a warfare which meretriciously pretended to be the cause of constitutional law and humanity, but which was in fact a lust of power regardless of consequences, and reckless of the blood and treasure of their common country.

From these causes Englishmen have learned to recognize the position of men of their own blood fighting for the freedom of their country and their homes against an invasion by hordes of mercenaries collected from the scum of almost every nation, actuated by the prospect of plunder, and officered by generals without the least military pretensions, and whose public actions will consign their names to infamy, and hand down their memory to the detestation of all posterity. They have recognized the energies of the south in having achieved one of the most stupendous efforts recorded in the history of nations. That the confederacy, without preparation, without arms, without ships, without founderies, without military organization, cut off as she was from all communication with other nations, not only maintained internally her separate existence, as was proved by the cheerful allegiance of her citizens, but triumphantly, by the success of her arms in the field, vindicated her rights as a nation which dared to be free against the largest and most elaborately prepared armies that modern times have seen.

If, then, a sense of natural justice, a horror of tyranny and oppression, a love of order and the protection of life and property by the law of the land, continue, as they have ever done, to command the sympathies of Englishmen, the southern confederacy has an undeniable claim. She has not a rival either in commerce or in glory; hers is a consuming and not a manufacturing country; her lands supply the raw material from which the bread of millions here is earned; she only demands liberty of free exchange of her natural wealth with the products of the skill and labor of England; she has at this moment upwards of 3,000,000 bales of cotton yet undestroyed, and is crying loudly but in vain for a purchaser; she has the turpentine and resin which this internecine war has almost wholly withdrawn from the world's trade; she has rice, sugar, tobacco, hemp, maize, wheat, and Indian corn, in quantities which are almost incredible. Lieutenant Maury, a reliable authority, informs us her trade would require 20,000 ships and 200,000 sailors; that the manufactured articles which she would draw from Europe, in cloth and cotton goods, shoes, cutlery, implements of husbandry, salt, drugs, &c., &c., would give labor for 4,000,000 of artisans.

Is not such a commerce worthy of consideration? Is not such an ally worthy of being saved from annihilation, which is brutal, and is threatened to be total? But not only is the sympathy of England claimed on account of the natural rights of freemen, on an appreciation of the mutual interests of both countries, on their consanguinity and the *de jure* as well as *de facto* conquest of independence, we should never forget that the hostility which, without any just cause of offence, and even against the plainest dictates of reason and equity, has characterized not only the words and actions of the public men in the north, but seems to have poisoned the whole life blood of the nation, will inevitably, on some future occasion, force England from her attitude of neutrality.

Can we afford to reject a natural ally not only inviting us to terms of amity, but imploring us with tears to help our own children, when that ally and those children possess 3,800 miles of coasts indented with harbors, into which are poured by giant rivers the riches of an almost interminable continent, and still more when we consider that her northwestern border is only ninety-seven miles distant from the Canadian lakes, the frontier of our most valuable colony as well as our imperial strength and dignity, will be called upon to defend against irruption, which it is the favorite theme of the federalists to consider as the natural outlet for their new-found military enthusiasm.

RULES OF THE ASSOCIATION.

1. That this association shall be called the "London Confederate States Aid Association;" formed for the purpose of giving countenance and support to the Confederate States of America in their struggle to establish and maintain their independence.
2. That this association believes the present war in America to be an unholy and an unjust war, and that the Washington government have no just cause or constitutional grounds of war against the south.
3. That this association shall consist of an unlimited number of members.
4. That the government of the association consist of president, vice-president, treasurer, secretary, a standing committee of twelve members, and three auditors.
5. That the association shall hold its meetings for the transaction of ordinary business weekly.
6. That quarterly general meetings shall be held, at which the reports of the secretary and auditors shall be presented.
7. That for special business of the association special meetings shall be called by the committee.
8. That it shall be the duty of each member to attend regularly every Wednesday evening at the meetings of the association.
9. That each member shall pay, for the purpose of defraying the incidental expenses of the association, the sum of not less than one shilling weekly.
10. That in case any member shall have absented himself for twelve successive meetings, or shall have failed to pay his weekly dues for a like period, he shall cease to be a member of this association.
11. That persons desirous of becoming members shall be proposed, seconded, and elected by a majority of two thirds at least of the members present.
12. That the duties of the secretary shall be to attend all the meetings of the association, to make correct minutes of the proceedings thereof, to keep a correct account of all moneys received and expended by the association, and to prepare a clear statement of the income and expenditure of the association, to be submitted to the quarterly general meetings.
13. That while this association consists principally of Englishmen sympathizing with the Confederate States of America, as well as with the sufferings

of their own countrymen, it earnestly solicits the contributions, co-operation, and support of all.

14. That all moneys received by the association shall be appropriated for purchasing and forwarding to the Confederate States of America the materials which, in the judgment of the association, shall be considered the best calculated to enable them to carry on the war, and to bring their present protracted struggle to a successful issue.

FREDERICK NURSE, *Secretary pro. tem.*

Mr. Adams to Mr. Seward.

No. 278.]

LEGATION OF THE UNITED STATES,
London, December 19, 1862.

SIR: I have the honor to transmit a copy of Lord Russell's note to me of the 16th instant, in answer to mine of the 21st ultimo, on the subject of recruiting in this kingdom for the service of the United States. This completes the correspondence on that matter, already forwarded with my despatch (No. 266) of the 26th of November last.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December 16, 1862.*

SIR: With reference to my note of the 20th ultimo, I have the satisfaction of informing you that further inquiries which have been instituted respecting the alleged recruiting in London for the United States army seem to establish that the reports to that effect which had reached her Majesty's government were without foundation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 429.]

DEPARTMENT OF STATE,
Washington, December 20, 1862.

SIR: I herewith enclose, for presentation to the British government, a copy of memorials and other papers addressed to the President of the United States by several ship-owners, resident within the collection district of New Bedford, Massachusetts, relative to the capture and destruction of the American whaling vessels, the Virginia, the Benjamin Tucker, the Elisha Duubar, the Ocean Rover, the Altamaha, and the Ocmulgee, by the piratical steamer Alabama, in the month of September last.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 431.]

DEPARTMENT OF STATE,
Washington, December 21, 1862.

SIR: Your despatch of December 4 (No. 268) has been submitted to the President. He regards with no special satisfaction the growing complications which manifest themselves in European politics, although they may possibly have an influence in abating the prejudices in regard to the United States which have worked them so much injury. We are content to rely upon the justice of our cause, and our own resources and ability to maintain it. It is, however, a source of satisfaction to perceive some evidences that the interests of the British nation, and its natural sentiments, are recovering their former influence upon the British mind, after the violent demonstration which has been witnessed during the last eighteen months. If the active military interference in our conflict of British subjects, who profit remorselessly by the misfortunes of both countries, can be arrested by the government, we may soon hope to see their friendly relations more firmly established than ever heretofore.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 280.]

LEGATION OF THE UNITED STATES,
London, December 24, 1862.

SIR: I have the honor to transmit copies of a series of communications received from Mr. H. J. Sprague, the consul at Gibraltar, respecting the movements made at that port to sell the steamer Sumter. As he desired my advice, I gave it to him in the letter, a copy of which goes with the papers. The question of the right to sell the property of a belligerent to a neutral in a neutral port is not without its difficulties, and I find the authorities differ materially about it. My own leaning is rather to a liberal construction, especially as in this case it relieves us from a burdensome process of vigilance. Besides which, I find that the government bought a war vessel of the Greeks whilst engaged, in 1826, in their war with the Turks.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures]

1. Mr. Sprague to Mr. Adams, December 9, 1862.
2. Telegram from Mr. Sprague to Mr. Adams, December 8, 1862.
3. Mr. Sprague to Mr. Adams, December 10, 1862.
4. Telegram to Mr. Adams, December 9, 1862.
5. Advertisement of sale of the Sumter.
6. Mr. Sprague's protest to governor of Gibraltar, December 9, 1862.

7. Commander Pickering to Mr. Sprague, December 6, 1862.
8. Mr. Sprague to Mr. Adams, December 12, 1862.
9. Colonial Secretary to Mr. Sprague, December 10, 1862.
10. Mr. Sprague to Colonial Secretary, December 10, 1862.
11. Colonial Secretary to Mr. Sprague, in reply, December 10, 1862.
12. Mr. Sprague to Colonial Secretary, December 11, 1862.
13. Official notice in Gibraltar Chronicle, December 10, 1862.
14. Official notice in Gibraltar Chronicle, December 11, 1862.
15. Change in advertisement of sale of Sumter.
16. Gibraltar Chronicle, December 5, 1862.
17. Mr. Adams to Mr. Sprague, December 17, 1862.
18. Telegram from Mr. Sprague to Mr. Adams, December 19, 1862. Sale of Sumter.
19. Telegram, same to same, December 23, 1862. Sumter flying British flag.

No. 1.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 9, 1862.

SIR: I informed you yesterday that the steamer Sumter had just been sold by private contract. The sum she fetched was four thousand pounds sterling.

Yesterday afternoon the purchasers were ready with the money and with bill of sale in hand to be executed by a notary public in this city, when it was found that all the papers required by them could not be produced by the officer in charge of the Sumter, who, it appears, holds a power of attorney from a certain Bullock, who styles himself senior naval officer in the confederate service in Europe, and, I am told, is at present in England giving his attention to what relates to the marine service of the rebel States. The purchasers require a written authority from Commissioner Mason to Mr. Bullock for the sale of the Sumter, and the seller has telegraphed for this document; in the mean while the sale is in suspense, and I accordingly telegraphed your excellency last evening as annexed.

The guns of the Sumter are included in the sale, and should the sale be consummated I understand they will be landed here under the supervision of the British authorities. The revolvers are not sold. I hear it stated the officer in charge intends to send them forward to England. The purchasers of the Sumter have refused buying the chronometers, salt provisions, or anything else that has been captured by her when in command of Semmes.

Please communicate all this information to our government at Washington.

I have the honor, &c., &c.,

HORATIO J. SPRAGUE,
United States Consul.

His Excellency CHARLES FRANCIS ADAMS,
United States Minister, &c., &c., London.

No. 2.

[Telegram.]

DECEMBER 8, 1862.

Mr. ADAMS, *American Minister, London.*

The private sale of Sumter is in suspense for want of written authority from Commissioner Mason. The party has telegraphed for it.

SPRAGUE, *Consulate.*

No. 3.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 10, 1862.

SIR: After mailing my communication to you of yesterday I received a telegram from Mr. Koerner, our minister at Madrid, requesting me to protest against the selling of the steamer Sumter at this port. I had also received, a few hours before, an official note from Captain Pickering, of the United States steamer Kearsage, now at Cadiz, to the same effect. In consequence, and in the absence of any reply from your excellency to my telegrams from the 6th instant, I decided to delay no further in addressing the governor of this fortress on the subject, and based my communication upon the telegram received from our minister at Madrid. I now have the honor of transmitting a copy thereof.

The private sale of the Sumter still remains in suspense, and she is still advertised in the Gibraltar Chronicle of yesterday for sale by public auction for to-morrow.

Anything further transpiring about the Sumter I shall telegraph your excellency without delay.

I enclose copy of Captain Pickering's despatch to me. I also annex copy of my telegram to you of last evening.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,
United States Consul.

His Excellency C. F. ADAMS,
United States Minister, &c., &c., &c., London.

No. 4.

[Telegram.]

GIBRALTAR, *December 9, 1862.*

Mr. ADAMS, *American Minister, London.*

By instructions of our minister at Madrid, have protested to British governor against Sumter being sold here.

SPRAGUE, *Consul.*

No. 5.

[From Gibraltar Chronicle of the 9th December, 1862.]

AUCTION SALE OF THE VERY SWIFT SCREW STEAMER SUMTER.

On Thursday next, 11th instant, at 12 o'clock, will be sold by public auction, in the north room of the Exchange, the screw steamer Sumter, now lying in this bay, of about 499 tons burden, built at Philadelphia in 1859, of superior oak timber, and sheathed with yellow metal in 1860, together with sails, rigging, stores, moorings, &c., &c., as may be found on board, and a powerful engine, cylinder fifty inches; an inventory of which and *conditions* of sale may be seen on board any time previous to the sale, or at—

WM. SHERWILL.

DECEMBER 8, 1862.

No. 6.

*Mr. Sprague to Sir W. Codrington.*CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 9, 1862—4 p. m.

SIR: I have this moment received a telegram from the minister of the United States of America for the court of Madrid under to-day's date in the following terms:

[Translation.]

"Announce officially that the steamer Sumter, being prize of war made by the insurgents in the United States, and really the property of citizens of that republic, being also included in the terms provided in the orders of her Britannic Majesty in council against the sale of prize of this war in her Majesty's dominions, cannot be lawfully sold in Gibraltar, and that the sale announced will not be respected by the vessels-of-war of the United States, but that the Sumter will be made prize wherever she may be found on the high seas, or within American jurisdiction, and taken before the proper court for adjudication.

The minister plenipotentiary,

"GUSTAVUS KOERNER."

In face of which I have to protest in the name of the government of the United States of America, as its representative at this port, against the sale of the steamer Sumter taking place in this city, with the concurrence of the British authorities.

I have the honor to be your excellency's obedient servant,

HORATIO J. SPRAGUE,

United States Consul

His Excellency SIR WM. CODRINGTON, K. C. B.,

Governor of Gibraltar, &c., &c., &c.

No. 7.

*Captain Pickering to Mr. Sprague.*UNITED STATES STEAMER KEARSARGE,
La Carracca, Cadiz, December 6, 1862.

SIR: I have the honor to acknowledge the receipt of your telegram, without date, informing me that the Sumter is advertised for sale at Gibraltar on Thursday next.

The vessel is of little value, and probably offered for sale merely to establish a precedent.

The sale of so-called confederate war vessels in British ports is an act as unfriendly and hostile to our government as the *purchase* of war vessels in their ports by the same party. I would therefore suggest that it is your *duty* to enter a protest against the sale.

I am, respectfully, &c., your obedient servant,

C. W. PICKERING, *Captain.*

HORATIO J. SPRAGUE, Esq.,

United States Consul, Gibraltar.

No. 8.

Mr. Sprague to Mr. Adams.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 12, 1862.

SIR: I beg to transmit herewith copies of notes that have so far been interchanged between this consulate and the governor of Gibraltar regarding the proposed sale of the steamer Sumter in this port since I had the honor of addressing your excellency on the 10th instant.

In the absence of instructions from your excellency, I have limited myself to protesting against the sale of the Sumter at this port, based upon the contents of the telegram received from Mr. Koerner, our minister at Madrid.

I call your particular attention to the official notices published in the Gibraltar Chronicle of the 10th and 11th instant, which I herewith annex.

I have never been able to obtain an accurate history of the steamer Sumter, but, as much can be said as to what constitutes a "war prize," I take the liberty to observe that as all public property in the States that have rebelled against the government of the United States was the property of the United States, whether it consisted of ships or stores in the public *arsenals, or of money in the public chests*, its illegal capture by the so-called confederates might make all such property prize of war. Although the British government has conceded belligerent rights to the States in rebellion, it has not yet recognized those States, nor would it probably be disposed to contend that the property of the United States seized by force is lawfully owned by the so-called confederates.

The private sale of the Sumter having been cancelled by mutual consent, she is again advertised for sale by public auction for the 19th instant, and I hear a party is expected from England, by the Southampton steamer, due here on the 17th instant, to be present at the sale, but for what purpose I know not.

Please do me the favor to inform our government of the contents of the present communication with its enclosures, and accept, sir, the assurances of my high consideration and respect.

HORATIO J. SPRAGUE,
United States Consul.

His Excellency C. F. ADAMS,
United States Minister, &c., &c., &c., London.

No. 13.

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE,
Gibraltar, December 10, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter, dated 9th instant, on the subject of the sale of the Sumter.

His excellency desires me to inform you that you have not furnished any such proof of the Sumter being a prize as to justify his interference with a mercantile transaction.

I have the honor to be, sir, your obedient servant,

S. FREELING,
Colonial Secretary.

H. J. SPRAGUE, Esq.,
United States Consul, &c., &c., &c.

No. 10.

Mr. Sprague to Captain Freeling.

CONSULATE OF THE UNITED STATES,
Gibraltar, December 10, 1862.

SIR: I have the honor to acknowledge the receipt of your despatch of today's date, and, in reply, I beg to state that I am not instructed by the government of the United States to enter into the question proposed in your said despatch, as to which I may, however, observe that there can be no doubt that the sale of the steamer Sumter is in fact a sale for the purpose of avoiding a capture by the cruisers of the United States. Such sale for such purpose within the jurisdiction of a neutral state is, I apprehend, illegal and opposed to the strict law of neutrality, if sanctioned by the government of such neutral state.

In conformity with the tenor of my instructions contained in the official telegram of yesterday, of which I have had the honor to remit a copy to his excellency the governor, I have only to protest in the name of my government against any such sale in this port of the said steamer Sumter, as is proposed, and to point out the consequences following upon such sale. It only remains for me to reiterate that protest, and respectfully to request the attention of his excellency the governor thereto.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,
United States Consul.

Captain S. FREELING, *R. A.*,
Colonial Secretary, &c., &c., &c., Gibraltar.

No. 11.

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *December 10, 1862.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of this day's date, and, in reply, to remark that your protest of yesterday was made on the ground that the Sumter was a prize made from the federals by the confederates, and therefore truly the property of the former.

Now, however, you state a different ground, viz: that the sale is for the purpose of avoiding a capture by the cruisers of the United States, and therefore illegal.

The governor wishes to know upon which of these two grounds you now make your protest, as your last seems somewhat incompatible with the first which he received from you yesterday.

I have the honor to be, &c.,

S. FREELING, *Colonial Secretary.*

HORATIO J. SPRAGUE, Esq.,
United States Consul, Gibraltar.

No. 12.

Mr. Sprague to Captain Freeling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 11, 1862.

SIR: I beg to acknowledge the receipt of your letter of the 10th instant, in reply to my communication of the same date, on the subject of the proposed sale of the steamer *Sumter*.

The telegram from his excellency the minister plenipotentiary of the United States at the court of Madrid, of which I had the honor to forward a copy to his excellency the governor on the 9th instant, contains the instructions upon which I have acted in protesting against the above sale, as I necessarily had to consider it my duty to do so.

I am, however, quite unable to see the incompatibility of what was stated by me in my letter of yesterday, with the ground set forth for the protest in question, as it was simply put forward as an observation, which appeared to me to bear upon the question, and not to be inconsistent with the views set forth in the telegram.

I have the honor to be, sir, your obedient servant,

HORATIO J. SPRAGUE,
United States Consul.

Captain S. FREELING, R. A.,
Colonial Secretary, Gibraltar.

No. 13.

[Official notice in the Gibraltar Chronicle of December 10, 1862.]

NOTICE.

SECRETARY'S OFFICE,
Gibraltar, December 10, 1862.

His excellency the GOVERNOR has received a protest from the United States consul in this city against the sale of the confederate steamer *Sumter*, on the ground, as stated by him, of her being a prize. No proof of this being the case has been furnished, but the GOVERNOR deems it right to notify this protest to the public.

By command:

S. FREELING, *Colonial Secretary.*

No. 14.

[Official notice from the Gibraltar Chronicle of December 11, 1862.]

NOTICE.

SECRETARY'S OFFICE,
Gibraltar, December 11, 1862.

With reference to the notice in yesterday's *Chronicle*, his excellency the GOVERNOR has received the following statement from the officer commanding the *Sumter*.

“The Sumter was BOUGHT and PAID for at New Orleans by the confederate government; that the owners of the then steamer *Habana* (the *Sumter*) agreed to the price and terms of sale; and that she was purchased before any vessels had been seized in New Orleans by the confederate government.”

By command:

S. FREELING, *Colonial Secretary.*

No. 15.

The Gibraltar Chronicle of the 11th December has a supplement containing the advertisement of the sale of the Sumter, as heretofore copied, with the addition that “The above sale is postponed until Friday, the 19th instant.”

No. 17.

Mr. Adams to Mr. Sprague.

LEGATION OF THE UNITED STATES,
London, December 17, 1862.

SIR: I have to acknowledge the reception of several telegrams, together with letters, and especially that of the 6th of December, all relating to the project of sale of the steamer Sumter in the port of Gibraltar.

I have not written in reply to these communications, for the reason that I could not perceive any action yet taken in the premises that can be made the basis of agitation here. The advertisement put into the columns of the Gibraltar as well as the Liverpool newspapers is wholly devoid of a responsible character. It is clear that no owner has yet appeared vested with sufficient power to act at all in the premises. Under such circumstances I cannot see the force of a remonstrance to the British government which is based upon no act to be complained of beyond a newspaper advertisement, and which suggests no practical remedy. In this sense your letter to commander Bryson appears to me to have been written with great judgment. It is scarcely to be presumed that her Majesty's government is not fully conscious of the conditions under which the Sumter enjoys its protection. It is as a vessel of a recognized belligerent that she obtained the privilege of remaining where she is until now. Any change in her character cannot be effected without the knowledge and consent of the authorities at Gibraltar. You will therefore, first of all, confine yourself to the simple duty of watching all the proceedings. In case of any attempt at a merely fraudulent transfer for the sake of escaping harmless from our cruisers and resuming her former career, you will call their attention to the fact, deny the validity of any such proceeding, and invoke their interference. Should it appear to you, on the other hand, that the purchasing parties are foreigners acting in good faith for the conversion of the vessel to some legitimate and peaceful trade, I see no better way of getting rid of a burdensome labor of vigilance upon a property of little value than to acquiesce in it. On the other hand, should you have reason to suspect a spurious transaction for the sole purpose of extricating the vessel from its present position in order to replace it in a more effective attitude of hostility to the United States, you will do well to remonstrate with the local authorities, and to send a copy of your remonstrance, together with the evidence on which you rest it, to this legation.

Under the present aspect of the case I do not feel as if I had proof of ill-intention in my hands sufficient to enable me to give to the commanders of our ves-

sels-of-war any specific instructions. So much must depend on the shape which the matter may take, that I can only say to you this: that only in the contingency of positive fraud above spoken of, clearly shown, as well as of refusal of the British authorities to interfere, so far as to detain the vessel for time enough to make a representation here, should I think it advisable for our own vessels to interpose. And even then should she sail under a British flag, it can only be done on the high seas, and under a preliminary search to investigate her true character. Should the papers be of such a kind as to subject her to the suspicion of being yet rebel property, with only a fraudulent cover, she might then be taken and sent home for adjudication in the United States court.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HORATIO J. SPRAGUE, Esq.,

United States Consul, Gibraltar.

No. 18.

DECEMBER 19, 1862.

Sumter sold this day by public auction for nineteen thousand five hundred dollars. Purchaser, an English engineer, arrived yesterday from Southampton.

SPRAGUE, *Gibraltar.*

Mr. ADAMS, *American Minister, London.*

No. 19.

SAN ROGUE, *December 23, 1862—2.45 p. m.*

Sumter flying British flag. Is loading. Probably be conveyed (convoyed?) to sea if necessary.

SPRAGUE.

ADAMS, *American Minister, London.*

Mr. Adams to Mr. Seward.

No. 281.]

LEGATION OF THE UNITED STATES,
London, December 25, 1862.

SIR: I transmit herewith a copy of Lord Russell's note to me of the 19th instant, in reply to my representation, dated the 20th of November, in the case of the "290." The material portion, consisting of the answer to the two demands which I was instructed to make, is of course withdrawn at once from my province, and awaits the decision of the President. But upon the collateral topics introduced by his lordship into the discussion, I am preparing a note explaining and re-enforcing my view, which cannot be completed in season to send by the present opportunity. The pressure on the force of the legation, as well as on my own time during this week, renders it impossible to get the papers ready.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December 19, 1862.*

SIR: I have the honor to acknowledge the receipt of your letter of the 20th ultimo, in which, under instructions from your government, you submit, for the consideration of her Majesty's government, papers confirming the truth of the allegations which you made to me some time ago as to the intention with which the vessel formerly known as the "290," but now called the Alabama, was fitted out at Liverpool, and you observe that those allegations are now fully proved by the hostile proceedings of that vessel since she left the United Kingdom.

You pass in review the history of the Alabama, both before and since she sailed from Liverpool, and you state that the facts being admitted, they present to the consideration of all civilized countries a series of novel questions of the gravest character. You say that it is obviously impossible to reconcile the toleration by any one nation of similar undertakings in its own ports to the injury of another nation with which it is at peace with any known theory of moral or political obligation; and you add, with some further observations in the same sense, that the reciprocation of such practices could only in the end lead to the utter subversion of all security to private property upon the ocean.

You, however, say that it is by no means your desire to imply an intention on the part of her Majesty's government to countenance any such idea. You admit that you are aware of the measures adopted at a very early date with reference to the Alabama, and of the orders subsequently issued to detain that vessel as soon as legal opinions were obtained—orders which it was not possible for the authorities to execute, because, at the very moment when they were issued, the Alabama made her escape from Liverpool.

You finally state that you have been instructed to solicit redress for the national and private injuries sustained by the proceedings of this vessel as well as a more effective prevention of any repetition of them in British ports hereafter.

Before I proceed to examine the justice of these demands, it will be convenient that I should advert to the circumstances to which you call my attention as having occurred soon after the breaking out of the French revolutionary war. You observe that on that occasion remonstrances were addressed by the British government to that of the United States respecting the fitting out of privateers in United States ports with an intent to prey upon British commerce, and that the demands of the British government were admitted by the United States, and were formally recognized in the 7th article of the treaty between the two countries of the 19th of November, 1794.

But an examination of the actual occurrences, and of the history of that remarkable period, presents a state of facts materially different from those relating to the Alabama.

Those facts may be shortly stated as follows:

The revolutionary government of France had openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized states, and that government proceeded to put in force its determination by claiming to equip, as a matter of right, and by actually equipping privateers in the neutral ports of the United States, by sending those privateers forth from those ports to prey upon British commerce, by bringing prizes into the neutral ports, and by their going through some scant forms of adjudication.

This was the avowed system upon which the agents of belligerent France claimed to act, and upon which, owing to the temporary superiority of her naval force, they did, for a short period, act in the neutral ports and waters of the

United States, notwithstanding the remonstrances of the United States government.

It was these several facts, namely, the open and deliberate equipment of privateers in American ports by the French, the capture by those privateers of British vessels in United States waters, and the bringing them as prizes into United States ports, which formed collectively the basis of the demands made by the British plenipotentiaries. Those demands had reference not to the accidental evasion of a municipal law of the United States by a particular ship, but to a systematic disregard of international law upon some of the most important points of neutral obligation.

This is apparent from the whole correspondence of the British government with the government of the United States, and from the replies of Mr. Jefferson to Mr. Hammond, the British minister. Consequently, neither the complaints of the British government in 1793 nor the treaty of 1794 have any bearing upon the question now under discussion.

With regard to the claim for compensation now put forward by the United States government, it is, I regret to say, notorious that the Queen's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has, in several instances, been practically set at naught by parties in this country. On the one hand, vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States government; on the other hand, munitions of war have found their way from this country to ports in possession of the government of the so-styled Confederate States.

These evasions of the neutrality prescribed by the Queen's proclamation have caused her majesty's government much concern, but it is not difficult to account for what has occurred.

Such shipments as I have spoken of may be effected without any breach of municipal law; and commercial enterprise in this country, as elsewhere, is always ready to embark in speculations offering a prospect of success, or in which, at all events, the promise of gain is supposed to be greater than the risk of loss.

British subjects who have engaged in such enterprises have been left by her Majesty's government to abide by the penalty attaching to their disregard of the Queen's proclamation of neutrality, that penalty being, by international law, the condemnation as prize of war of vessel and cargo if captured by a belligerent cruiser, and duly condemned in a competent prize court.

Her Majesty's government have nevertheless availed themselves of every fitting opportunity to discourage these enterprises, and I have the honor to refer you, in illustration of the truth of this, to the answer which I caused to be returned on the 6th of July to a memorial from British merchants and ship-owners at Liverpool, and of which I furnished you confidentially with a copy in my note of the 4th of August.

It is right, however, to observe that the party which has profited by far the most by these unjustifiable practices has been the government of the United States, because that government having a superiority of force by sea, and having blockaded most of the confederate ports, has been able, on the one hand, safely to receive all the warlike supplies which it has induced British manufacturers and merchants to send to United States ports in violation of the Queen's proclamation; and, on the other hand, to intercept and capture a great part of the supplies of the same kind which were destined from this country to the Confederate States.

If it be sought to make her Majesty's government responsible to that of the United States because arms and munitions of war have left this country on account of the confederate government, the confederate government, as the other belligerent, may very well maintain that it has a just cause of complaint against the British government because the United States arsenals had been replenished

from British sources. Nor would it be possible to deny that, in defiance of the Queen's proclamation, many subjects of her Majesty, owing allegiance to her crown, have enlisted in the armies of the United States. Of this fact you cannot be ignorant. Her Majesty's government, therefore, have just ground for complaint against both of the belligerent parties, but most especially against the government of the United States, for having systematically, and in disregard of that comity of nations which it was their duty to observe, induced subjects of her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey.

Great Britain cannot be held responsible to either party for these irregular proceedings of British subjects; and an endeavor to make her so would be about as reasonable as if her Majesty's government were to demand compensation from the United States for the injuries done to the property of British subjects by the Alabama, resting their demand on the ground that the United States claim authority and jurisdiction over the Confederate States, by whom that vessel was commissioned.

So far as relates to the export of arms and munitions of war by subjects of Great Britain, from British ports, for the use of the confederates, it is a sufficient answer to say that the municipal law of this country does not empower her Majesty's government to prohibit or interfere with such export, except in extraordinary cases, when the executive is armed with special powers; and, with regard to the law of nations, it is clear that the permission to export such articles is not contrary to that law, and that it affords no just ground of complaint to a belligerent. The authorities for this latter position are numerous and unconflicting; but it may suffice to refer to passages on the subject in the works of two American writers of high and admitted authority. The passages are as follows:

First. "It is not the practice of nations to undertake to prohibit their own subjects by previous laws from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it, under the liabilities and penalties prescribed by the law of nations or particular treaties."—(Wheaton's International Law, 6th edition, 1855, page 571, by Lawrence.)

Secondly. "It is a general understanding that the powers at war may seize and confiscate all contraband goods, without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation, in 1796, that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown on the part of the United States that neutrals may lawfully sell at home to a belligerent purchaser, or carry, themselves, to the belligerent powers contraband articles subject to the right of seizure *in transitu*. This right has since been explicitly declared by the judicial authorities of this country, (United States.) The right of the neutral to transport, and of the hostile power to seize, are conflicting rights, and neither party can charge the other with a criminal act."—(Kent's Commentaries, vol. 1, page 145, 8th edition, 1854.)

In accordance with these principles, the President's message of 31st December, 1855, contains the following passage: "In pursuance of this policy the laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war, or take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of international neutrality, nor of themselves implicate the government."

As regards the sailing of the Alabama from Liverpool, I cannot do better than refer you to the circumstances respecting that vessel, with which I have already had the honor to make you acquainted. In my letter of the 28th of

July I informed you that it was requisite to consult the law officers of the crown before any active steps could be taken in regard to that vessel. In my letter of the 22d of September I explained that, from the nature of the case, some time was necessarily spent in procuring the requisite evidence; that the report of the law officers was not received until the 29th of July; and that on the same day a telegraphic message reached her Majesty's government stating that the vessel had that morning sailed. Instructions were then despatched to detain her should she put in either at Queenstown or Nassau, to one or other of which ports it was expected that she would go; but the Alabama did not call at either of those places. On the 4th of October I stated to you that much as her Majesty's government desired to prevent such occurrences, they were unable to go beyond the law, municipal and international; and on the 16th of that month I replied to your observations with reference to the infringement of the foreign enlistment act, by remarking that it was true that the foreign enlistment act, or any other act for the same purpose, might be evaded by subtle contrivances; but that her Majesty's government could not on that account go beyond the letter of the existing law.

It is needless, however, that I should pursue this branch of the question further, since you admit that you are aware that the Alabama sailed not only without the direct authority or indirect permission of her Majesty's government, but in opposition to the municipal law, and in spite of earnest endeavors made to enforce it.

That this should have happened is a circumstance not calculated to excite much surprise in the United States, for two reasons: first, because the principal municipal law of the United States (passed almost at the same time as that of this country, and, it is believed, after a full understanding between the two States) is, in fact, almost identical with that of Great Britain upon this subject; and, secondly, because its notorious evasion during the late war, waged by Great Britain and her allies against Russia, was the subject of remonstrance on the part of her Majesty's representative at Washington to the United States.

Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States government could only proceed upon legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured.

In the case of the Alabama it is not denied that strict orders were given for her detention as soon as it appeared to the legal advisers of the crown that the evidence might be sufficient to warrant them in advising such a course, and that the Alabama contrived to evade the execution of those orders.

Her Majesty's government cannot, therefore, admit that they are under any obligation whatever to make compensation to United States citizens on account of the proceedings of that vessel.

As regards your demand for a more effective prevention for the future of the fitting out of such vessels in British ports, I have the honor to inform you that her Majesty's government, after consultation with the law officers of the crown, are of opinion that certain amendments might be introduced into the foreign enlistment act, which, if sanctioned by Parliament, would have the effect of giving greater power to the Executive to prevent the construction in British ports of ships destined for the use of belligerents. But her Majesty's government consider that, before submitting any proposals of that sort to Parliament, it would be desirable that they should previously communicate with the government of the United States, and ascertain whether that government is willing to make similar alterations in its own foreign enlistment act; and that the amendments, like the original statute, should, as it were, proceed *pari passu* in both countries.

I shall accordingly be ready at any time to confer with you, and to listen to

any suggestions which you may have to make by which the British foreign enlistment act, and the corresponding statute of the United States, may be made more efficient for their purpose.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extracts.]

No. 435.]

DEPARTMENT OF STATE,
Washington, December 29, 1862.

SIR: Your very suggestive despatch of December 11 (No. 271) has been received.

It does, indeed, seem paradoxical that the public sentiment of this country in regard to Great Britain should appear to remain as severe now as it was heretofore, when no symptoms of melioration of the reciprocal sentiment of that country towards our own were observable. The solution, however, will be found, as I think, in the distance that lies between them. The symptoms of that kind, which you describe, have not escaped the attention of this government, as, I think, my recent despatches must have shown you. But they have not yet forcibly arrested the notice of the press, while the public attention is still entirely engrossed with the shipment of supplies and arms, and the outfit of piratical vessels in British ports, and with the flagrant demonstrations of the "290," alias the Alabama, on our merchant vessels, and now the reputed escape of the Oreto from her imprisonment. Still the indication of a reciprocal change of sentiment here in regard to Great Britain are as manifest to this government as those on the part of the British government are apparent to yourself. I hardly need say that every care that can be properly given by this department to favor a return to the most friendly feelings between the two countries will be exercised.

* * * * *

The proclamation of freedom to the slaves of the insurgent States will be promptly issued on the first day of January next; and it seems probable that a state of things will arise in the Gulf States that will be calculated to undermine the hopes that have been built there upon foreign intervention. Finally, we are inaugurating a system of administration in New Orleans, under Major General Banks, which we expect will relieve the condition there of much of the uneasiness which it is supposed affected the disposition of foreign powers.

The military situation remains unchanged since my last despatch. Congress has taken its recess for the holidays. The financial policy will chiefly engage its attention when it reassembles.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 286.]

LEGATION OF THE UNITED STATES,
London, January 1, 1863.

SIR: I have the honor to transmit a copy of my note to Earl Russell of the 30th ultimo, which, in my despatch (No. 281) of the 25th of December, I men-

tioned that I was preparing in answer to a portion of his note of the 19th of that month, which I sent forward last week.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, December 30, 1862.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 19th instant, in reply to the representation I had been instructed to submit to your consideration touching the ravages committed on the commerce of the United States by a vessel-of-war built and fitted out in a port of this kingdom, and, for the most part, manned by her Majesty's subjects. So far as that note responds to the two great objects of inquiry which I had been directed to propose, my duty has been performed by the transmission, without loss of time, of a copy of it for the consideration of my government. But your lordship has done me the honor to touch upon several lateral topics incidentally connected with the reasoning contained in my note in a manner which seems to require from me a somewhat extended explanation.

The first of these to which my attention has been particularly directed relates to the fact which your lordship appears readily to admit, that her Majesty's proclamation of the 13th of May, 1861, enjoining neutrality in the unfortunate civil contest in North America, has been practically set at naught in this kingdom. Much as it may impair the confidence heretofore so generally and justly entertained in the ability of her Majesty's government to enforce her authority within her own dominions, I am not aware that in the representation I had the honor to make upon this particular occasion, any reasoning of mine was made to rest upon it. The question, as connected with the case of the 290, was presented by the eminent counsel on whose opinion I relied, mainly on the ground that the building and equipment of that vessel was a gross violation of a municipal law of this kingdom. It was expressly stated by Mr. Collier that "it appeared difficult to make out a stronger case of infringement of the *foreign enlistment act*, which, if not enforced on this occasion, is little better than a dead letter." That this position was a correct one is fully confirmed by the report subsequently made by her Majesty's law officer, and by the later efforts of her Majesty's government to act under the law. It is not, then, the nullity of her Majesty's proclamation that is now in question: it is rather the admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited by a party injured to take cognizance; of which they do take cognizance so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury. On the substantial points of the case little room seems left open for discussion. The omission to act in season is not denied. The injury committed on an innocent party is beyond dispute. If, in these particulars, I shall be found to be correct, then I respectfully submit it to your lordship whether it do not legitimately follow that such a party has a right to complain and to ask redress. And, in this sense, it matters little how that omission may have occurred, whether by inten-

tional neglect or accidental delays, having no reference to the merits of the question; the injury done to the innocent party giving a timely notice remains the same, and those who permitted it remain equally responsible.

It is in this view that the precedent which I had the honor to cite from the earlier history of the United States appeared to me to have much more pertinence than your lordship is inclined to attach to it. I still think that it has not attracted so much of your attention as it deserves. Your lordship will pardon me for suggesting that it was not because "the revolutionary government of France openly avowed its determination to disregard all the principles of international law which had been acknowledged by civilized states," or because of a "supposed temporary superiority of her naval force," it "did actually equip privateers in the neutral ports of the United States, and send them forth to prey upon British commerce," &c., that the government of the United States were induced to listen to the demands of the British government for redress. The claim that was actually made by France rested upon its interpretation of two articles of a solemn treaty, offensive and defensive, between France and the United States, which, not without show of reason, claimed for the former the right to fit out cruisers against its enemies in the ports of the United States. Although very properly denying this to be the correct version, the government of the United States felt unwilling to act on a policy of repression until due notice given of its determination to abide by an opposite construction. In the interval certain captures of British vessels took place which the government, because of its failure, for the reasons assigned, to prevent them, considered itself bound to make good. Here are the very words of Mr. Jefferson, in his letter to Mr. Hammond:

"Having, for particular reasons, forborne to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7, the President thought it incumbent on the United States to make compensation for them; and though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet, where the same forbearance had taken place, it was and is his opinion that compensation would be equally due." From these words the deduction appears to be inevitable that the principle of compensation in the case derived its only force from the omission by the United States to prevent a wrong done to the commerce of a nation with which they were at peace. So, likewise, may it be reasonably urged in the present case, that the omission of her Majesty's government, upon full and reasonable notice, to carry into effect the provisions of its own law designed to prevent its subjects from inflicting injuries upon the commerce of nations with which it is at peace, renders it justly liable to make compensation to them for the damage that may ensue.

That the British government of that day did consider itself equitably entitled to full indemnity, not simply for the hostile acts of Frenchmen in American ports, but for the loss and damage suffered on the high seas by reason of assistance rendered to them by citizens of the United States, will clearly appear by reference to the fourth article of the project of a treaty proposed by Lord Grenville to Mr. Jay, on the 30th of August, 1794. The words are these:

"And it is further agreed, that if it shall appear that, in the course of the war, loss and damage has been sustained by his Majesty's subjects, by reason of the capture of their vessels and merchandise, such capture having been made *either within the limits of the jurisdiction of the said States, or by vessels armed in the ports of the said States, or by vessels commanded or owned by the citizens of the said States*, the United States will make full satisfaction for such loss or damage, the same being to be ascertained by commissioners in the manner already mentioned in this article."

If, by the preceding representation, I have succeeded in making myself clearly understood by your lordship, then will it, I flatter myself, be made to appear

that in both these cases, that in 1794 as well as that in 1862, the claim made rests on one and the same basis, to wit, the reparation by a neutral nation of a wrong done to another nation with which it is at peace, by reason of a neglect to prevent the cause of it originating among its own citizens in its own ports.

The high character of Lord Grenville is a sufficient guarantee to all posterity that he never could have presented a proposition like that already quoted, except under a full conviction that it was founded on the best recognized principles of international law. Indeed, it is most apparent, in the face of the preamble, that even the statute law of both nations on this subject is but an attempt to give extraordinary efficacy to the performance of mutual obligations between states which rest on a higher and more durable basis of justice and of right. It was on this ground, and on this alone, that Lord Grenville obtained the concessions then made of compensation for damage done to her commerce on the high seas by belligerent cruisers fitted out in the ports of the United States. I shall never permit myself to believe that her Majesty's government will be the more disposed to question the validity of the principle thus formally laid down, merely from the fact that in some cases it may happen to operate against itself.

This consideration naturally brings me back to the examination of that portion of your lordship's note which relates to the alleged violations in Great Britain of her majesty's proclamation by the respective parties engaged in this war. Although this subject be not absolutely connected with that on which I made my representation, I cheerfully seize the opportunity thus furnished me to attempt, in some degree, to rectify your lordship's impressions of the action of the government of the United States even on that question. Your lordship does me the honor to observe that *I cannot be ignorant of the fact*, which it is impossible to deny, "that, in defiance of the Queen's proclamation, many subjects of her Majesty owing allegiance to her crown have enlisted in the armies of the United States." "Her Majesty's government, therefore, have just ground for complaint against both the belligerent parties, but most especially against the government of the United States, for having, *systematically and in disregard of that comity of nations which it was their duty to observe*, induced subjects of her Majesty to violate those orders which, in conformity with her neutral position, she has enjoined all her subjects to obey."

As these words, taken in their connexion, might seem to imply a serious charge against myself as well as the government of the United States, I must pray your lordship's pardon if I desire to know whether there be any particulars in my own conduct in which your lordship has found the evidence for such a statement. So far as I have been made acquainted with the course of my own government, or I remember my own, I must most respectfully take issue with your lordship upon it, and challenge you to the proof. That very many of the subjects of Great Britain voluntarily applied to me for engagements in the service of the United States is most true. That I ever induced one of them to violate her Majesty's orders, either directly or indirectly, is not true. That numbers of her Majesty's subjects have voluntarily crossed the ocean and taken service under the flag of the United States I have reason to believe. That the government of the United States *systematically and in disregard of the comity of nations* induced them to come over to enlist I have not yet seen a particle of evidence to show, and I must add, praying your lordship's pardon, I am authorized explicitly to deny. In response to a remonstrance, made to me by your lordship, it is but a few days since I took occasion, so far as my action was concerned or the action of any of the officers of the United States in this kingdom, to place the country right before you on that score. After the very explicit retraction made in your lordship's reply to me, dated on the 16th instant, it is not without great surprise that I now perceive what I cannot but regard as a renewal of the imputation.

Your lordship is pleased carefully to join the two parties to this war, as if, in

your estimation, equally implicated in the irregular proceedings conducted within this kingdom, and equally implicating the subjects of Great Britain in the violation of her Majesty's proclamation. Hence it is argued that the omission to hold any one to his responsibility affords no more just ground of complaint to one party than to the other. I cannot but think that your lordship has overlooked a just distinction to be observed in these cases; and in order to show it the more clearly I shall be compelled to ask your lordship to follow me in a brief investigation of the facts.

The only allegation which I find in your lordship's note in connexion with the United States is this, that "vast supplies of arms and warlike stores have been purchased in this country, and have been shipped from British ports to New York for the use of the United States government."

Admitting this statement to be true to its full extent; conceding even the propriety of the application of the term "vast" to any purchases that may have been made for the United States, the whole of it amounts to this, and no more, that arms and warlike stores have been purchased of British subjects by the agents of the government of the United States. It nowhere appears that the action of the British went further than simply to sell their goods for cash. There has been no attempt whatever to embark in a single undertaking for the assistance of the United States in the war they are carrying on; no ships of any kind have been constructed or equipped by her Majesty's subjects for the purpose of sustaining their cause, either by lawful or unlawful means, nor a shilling of money, so far as I know, expended with the intent to turn the scale in their favor. Whatever transactions may have taken place have been carried on in the ordinary mode of bargain and sale without regard to any other consideration than the mere profits of trade.

If such be then the extent of the agency of the United States on this side of the Atlantic during the present war, and no more, it appears clear, from the positions assumed by your lordship in the very note to which I have the honor to reply, that thus far they have given no reasonable ground for complaint at all. The citations to which your lordship has done me the favor to call my attention, as drawn from American authors of admitted eminence, all contribute to establish the fact that the mere purchase or export by a belligerent from a neutral of arms and munitions of war does not involve any censure on either party. I do not at the present moment entertain a design to question the correctness of that doctrine. As a necessary consequence, I can scarcely perceive the fitness of associating such action as I have shown that of the United States to be in the same category with that of which the government of the United States has heretofore instructed me to complain. And here I beg to call your lordship's attention to the fact that it is not the mere purchase or exportation of arms and warlike stores by the agents of the insurgents in America of which I have ever complained. There is another and a very important element in the case, to which your lordship does not appear to have given the consideration which, so far as one may be permitted to judge from the concurring testimony of all writers of international law, it certainly deserves. The United States have made an actual blockade of all the ports occupied by the insurgents, a blockade the validity of which Great Britain does not dispute. They are therefore entitled to consider every neutral who shall attempt to enter one of them or carry anything to the besieged as violating his neutrality and converting himself into an enemy. Hence it happens that every British subject engaged in the work of aiding the insurgents by introducing contraband of war into blockaded ports not only violates his duty to his sovereign, but commits an exceedingly aggravated and injurious offence to the government of the United States. To associate such proceedings with the mere purchase and export of arms on behalf of the United States as of equal significance would seem to be most inequitable.

It is a fact that few persons in England will now be bold enough to deny,

first, that vessels have been built in British ports, as well as manned by her Majesty's subjects, with the design and intent to carry on war against the United States; secondly, that other vessels owned by British subjects have been, and are yet, in the constant practice of departing from British ports laden with contraband of war, and many other commodities, with the intent to break the blockade and to procrastinate the war; thirdly, that such vessels have been, and are, insured by British merchants in the commercial towns of this kingdom with the understanding that they are despatched for that illegal purpose. It is believed to be beyond denial that British subjects have been, and continue to be, enlisted in this kingdom in the service of the insurgents, with the intent to make war on the United States, or to break the blockade legitimately established, and, to a proportionate extent, to annul its purpose. It is believed that persons high in social position and in fortune contribute their aid, directly and indirectly, in building and equipping ships-of-war, as well as other vessels, and furnishing money, as well as goods, with the hope of sustaining the insurgents in their resistance to the government. To that end the port of Nassau, a colonial dependency of Great Britain, has been made, and still continues to be, the great entrepôt for the storing of supplies, which are conveyed from thence with the greater facility in evading the blockade. In short, so far as the acts of these numerous and influential parties can involve them, the British people may be considered as actually carrying on war against the United States. Already British property valued at eight millions of pounds sterling is reported to have been captured by the vessels of the United States for attempts to violate the blockade, and property of far greater value has either been successfully introduced or is now stored at Nassau awaiting favorable opportunities.

If it be necessary to furnish to your lordship a clearer idea of the nature and extent of this warfare, it may perhaps be obtained by reference to the two papers, marked A and B, which I have the honor to append to the present note. The one contains a list of all screw steamers and sailing vessels which have been, or still are, engaged in this illegal commerce, furnished to me from observation by the consul of the United States at Liverpool. The other is a copy of a letter from the consul in London, giving a further list of vessels, together with some particulars as to the mode by which, and the persons by whom, this hostile system is carried on. Neither of these lists can be regarded as complete, but the two are sufficiently so for the present purpose, which is to place beyond contradiction the fact of the extensive and systematic prosecution by British subjects of a policy towards the United States, which is uniformly characterized by writers on international law as that of an enemy.

I am not unaware of the regret expressed in your lordship's note at the existence of this state of things, as well as of the readiness with which you have acquiesced in the possible application, by the forces of the United States, of the penalty held over the heads of the offenders in her Majesty's proclamation. But my present object in referring so much at large to these offences is to show the great injustice of your lordship in proceeding to comment upon the action of the respective belligerents as if there was a semblance of similarity between them. So far as the United States are shown to be involved in censure, it is simply by the purchase and export of arms and munitions of war from a neutral, an act which your lordship expressly points out eminent authority to my attention to prove implies no censurable act on either party. Whilst, on the other hand, it is American insurgents who find British allies to build in this kingdom, and to equip and send forth, war ships to depredate on the commerce of a friendly nation, and it is British subjects who load multitudes of British vessels with contraband of war, as well as all other supplies, with the intent and aim to render null and void, so far they can, a blockade legitimately made by a friendly nation, as well as to procrastinate and make successful a resistance in a war in which that nation is actually engaged. Surely this is a difference not unworthy of your lordship's deliberate observation.

But your lordship, in accounting for the admitted failure to enforce the enlistment law in Great Britain, has done me the honor to remind me that not long since her Majesty's government was itself so far made sensible of injuries of the same kind with those of which I now complain either inflicted or threatened against Great Britain in the ports of the United States as to have made them the subject of remonstrance through her Majesty's representative at Washington. With so fresh a sense of these evils before your lordship there will be no further cause of surprise at the earnestness with which I have followed the precedent then set. You do me the honor to recall the fact that the enlistment law of the United States, which preceded in its date of enactment that of Great Britain, is almost identical with it. And you further state that "*the notorious evasion of its provisions during the late war waged by Great Britain and her allies against Russia*" was the cause of the remonstrance to which I have already alluded. Your lordship further remarks that "Great Britain was then, as on other occasions, assured that every effort which the law would permit had been made to prevent such practices; that the United States government could only proceed upon legal evidence, the law as to which is almost, if not entirely, the same as in this country, and that without such evidence no conviction could be procured."

In an earlier portion of your lordship's note you did me the favor to cite, as good authority, to me an extract of the message of the President of the United States of the 31st December, 1855, which went to show the extent to which assistance not only had been, but might be, rendered without censure by neutrals to belligerents. Perhaps your lordship will not deny equal weight to the very next passage in that message, even though it should somewhat conflict with your own allegation.

"Whatever concern may have been felt by either of the belligerent powers, lest private armed cruisers or other vessels in the service of one might be fitted out in the ports of this country to depredate on the property of the other, *all such fears have proved to be utterly groundless. Our citizens have been withheld from any such act or purpose by good faith and by respect for the law.*"

I forbear from quoting the text which follows, because it may revive unpleasant recollections in your lordship's as it does in my mind. I will content myself solely with the remark that the very last thing which your lordship would be likely to object to, the facts there stated would be the want of ability of the government of the United States to proceed with energy and effect in the repression of acts in violation of their enlistment act.

But, if evidences of another kind as to its energy under that law be needed, I have only to remind your lordship once more of the fact that on the 11th of October, 1855, her Majesty's representative at Washington, Mr. Crampton, addressed to the government of the United States a note, with evidence to show that a vessel called the Maury was then fitting out at the port of New York armed to depredate on British vessels. On the 12th the Attorney General sent, by telegraph, to the proper officer at New York to consult with the British consul, and to prosecute, if cause appear. On the 13th the collector stopped the vessel, then about to sail. On the 16th the district attorney had prepared and filed a libel of the vessel, and in the mean time ordered a thorough examination of her cargo. On the 19th the marshal had made a full report of his examination. On the same day the complainant, on whose evidence the minister and the consul had acted, confessed himself satisfied, and requested the libel to be lifted. On the 23d Mr. Barclay, her Majesty's consul at New York, published a note withdrawing every imputation made against the vessel. Thus, it appears that in the brief space of four days the government's action under the enlistment law had been sufficiently energetic completely to satisfy the requisition of her Majesty's representative.

If any similar action has been had since the first day that I had the honor

to call your lordship's attention to outfits of the same nature made in Great Britain, I can only say that I have not enjoyed a corresponding opportunity to express my satisfaction with the result.

The owners of the Maury were never compensated for the trouble and expense to which they were put by this process. But the Chamber of Commerce of New York adopted a series of resolutions, two of which may serve as a sufficient comment on the remark which your lordship has been pleased to let fall touching the "notorious evasion" of the enlistment law in America at the time alluded to:

"Resolved, That no proper amends or apology have been made to A. A. Low & Brothers for the charge brought against them, *which, if true, would have rendered them infamous;* nor to the merchants of this city and country so falsely and injuriously asserted.

"Resolved, That the merchants of New York, as part of the body of merchants of the United States, will uphold the government in the full maintenance of the neutrality laws of the country; and we acknowledge and adopt, and always have regarded the acts of the United States for preserving its neutrality as binding in honor and conscience as well as in law; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence."

I pray your lordship to give one moment's attention to the manner in which the conduct imputed to Messrs. Low is stigmatized. I am sorry to confess that I have not seen the like indignation shown in this kingdom against similar charges made against distinguished parties in Liverpool, nor yet can I perceive it so forcibly expressed as I had hoped even in the tone of your lordship's note.

I beg to assure your lordship that it gives me no pleasure to review the recollections of the events of that period. But inasmuch as they had been voluntarily introduced in the note which I had the honor to receive, and they seemed to me necessarily to imply an unmerited charge against the policy of the United States, I felt myself imperatively called upon to show that at least in one instance in which her Majesty's government made a complaint, there was no failure either in the manner of construing the powers vested in the government of the United States, or in their promptness of action under their enlistment law.

I pray your lordship to accept the assurances of the distinguished consideration with which I have the honor to be, my lord, your most obedient servant.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

H.

List of vessels, from the United States consul at Liverpool, which have either sailed from Great Britain and Ireland since the 1st August last, or are now in course of preparation to sail, with contraband of war, for the purpose of breaking the blockade of the rebel ports.

STEAMERS.—Bahama, from Liverpool on the 13th August, with men and cannon; Bonita, (late the Economist,) Iona, Pearl, Kelpie, Giraffe, Antona, Calypso, Havelock, Nicolai I, Julie Usher, (late Annie Childs,) Stanley, Albion, Denbigh, Pet, Neptune, Sheldrake, Gypsy Queen, Cornubia, Eagle, Ruby, Florida, Juno, Thistle, Northumbria, Douglas, Britannia, Royal Bride, Douro, Beacon, Georgiana, Prince Albert, Leipsig.

SAILING VESSELS.—Ellen, Agrippina, (sailed from Cardiff, October 10, with shot, shell and coal. This is the vessel that carried arms and coal from London to the No. 290 at Terecira. See depositions of Redden and King.) Severn, Queen of the Usk, Digby, Clarence, Mary Frances, Chatham, Peep o'Day, Speculation, Monmouth, Intrinsic.

B.

*Mr. Morse to Mr. Adams.*UNITED STATES CONSULATE,
London, December 24, 1862.

SIR: In compliance with your request, I herewith forward a list comprising most of such steamers and sailing vessels as are known to me to have left the port of London laden with supplies for the insurgents now in rebellion against the United States.

I do not pretend that all the vessels which have left this port in the confederate service are known to me, but believe the following list of vessels can be relied on as being a part of those which have left with supplies, principally contraband of war, with the intention of either running the blockade directly, or of going to a neighboring Atlantic or Gulf port, and there discharging their cargoes into another class of vessels, the more easily to get such cargoes to their places of destination.

Vessels known to have left London.

Name.	Tonnage.	Time of departure.	Loaded by—
S. S. Gladiator.....	481	—, 1861	.....
S. S. Economist.....	338	Jan. 9, 1862	.....
S. S. Southwick.....	467	Jan. 24, 1862	.....
S. S. Minna.....	615	Feb. 28, 1862	.....
S. S. Phebe.....	416	April 23, 1862	.....
S. S. Lloyds.....	743	April 11, 1862	W. S. Lindsay & Co
Side-wheel Merrimack.....	537	April 12, 1862	.....
Side-wheel Pacific.....	932	Feb. 22, 1862	.....
Side-wheel Melita.....	853	April 29, 1862	.....
Side-wheel Ann.....	200	do	.....
S. S. Harriet.....	571	July 29, 1862	.....
S. S. Justitia.....	616	Oct. 20, 1862	.....
S. S. Rechiel.....	.....	Dec., 1861	W. S. Lindsay & Co
Sailing S. Aries.....	217	.....	.....
S. S. Flora.....	.....	Dec., 1861	W. S. Lindsay & Co
S. S. Princess Royal.....	.....	do	do
S. S. Memphis.....	.....	.....	.....
S. S. Minho.....	.....	.....	.....
S. S. Waive Queen.....	.....	.....	.....
S. S. Peterhoff.....	.....	.....	Now loading for Matamoros.
S. S. Melita.....	853	.....	Now loading for Havana.
Sailing S. Springbock.....	.....	.....	.....

The tonnage given is the net tonnage, or the carrying space of the vessel, the space taken up by machinery, &c., being deducted.

The screw steamer Fingal left Greenock in the summer of 1861. Her cargo was sent there to her by the steamer Colletis from London.

Vessels which have left ports on the east coast of England, and which may not have been reported by any other consul:

Circassian, Modern Greece, Stettin, Bahama, and Bermuda, from Hartlepool; Hero, Pataras, Labnan, Sidney Hall, and Tubal Cain, all screw steamers; and brig Stephen Hart.

During the last six or eight weeks there have been great exertions made in this country to procure good, fast steamers, and to forward them, laden with supplies for the insurgents, to the ports of the rebel States, or to ports adjacent to the coast of those States. Many of the boats in this service have been

purchased on the river Clyde. Three new ones, destined for the same service, have recently been launched there, and have not yet gone to sea. They have been named Emma, Gertrude, and Louisiana; and several more are building there.

The ownership of these steamers, the cargoes they carry out, and the manner of conducting the trade, is a question of much interest to Americans. During the early stages of the war the trade was carried on principally by agents sent over from the Confederate States, aided by a few mercantile houses and active sympathizers in this country. These agents, with their friends here, purchased the supplies, and procured steamers, mostly by charter, and forwarded the goods.

But by far the largest portion of the trade, with perhaps the exception of that in small arms, is *now*, and for a long time has been, under the management and control of British merchants. It is carried on principally by British capital, in British ships, and crosses the Atlantic under the protection of the British flag.

Parties come from Richmond with contracts made with the rebel government by which they are to receive a very large percentage above the cost in Confederate ports of the articles specified. British merchants become interested in these contracts, and participate in their profits or loss. I have seen the particulars of one such contract drawn out in detail, and have heard of others.

There are good reasons for believing that a large portion of the supplies more recently sent to the aid of the insurgents has been sent by merchants on their own account. Several will join together to charter a steamer and make up a cargo independent of all contractors, each investing as much in the enterprise as he may deem expedient, according to his zeal in the rebel cause, or his hope of realizing profits from the speculation.

Again: some one will put up a steamer to carry cargo to a rebel port at an enormous rate of freight, or to ports on the Atlantic or Gulf coast, such as Bermuda, Nassau, Havana, Matamoras, &c., at a less freight, to be from there reshipped to such southern ports as appears to afford the best opportunities for gaining an entrance. Ships bound on these voyages are, of course, not advertised, or their destination made known to the public. Their cargoes are made up of individual shipments, on account and risk of the shippers, or go into a joint stock concern, on account and risk of the company, each member thereof realizing profit or suffering loss in proportion to the amount he invested in the adventure. Both steamers and cargoes are often, if not generally, insured in England "to go to America with *liberty to run the blockade.*"

Some individuals and mercantile firms appear to have entered into the business of supplying the rebels with the means of carrying on and prolonging the war with great zeal and energy on their own account. Mr. Z. C. Pearsons, of Hull, has been largely interested in this contraband trade, but appears not to have been very fortunate in its pursuit, for he has had several valuable steamers taken by our blockading squadrons, and, in addition to this bad luck, appears to have received in payment for the goods he did get in a kind of paper or payment that could not be made available here.

Of the firms which are the most largely engaged in this mode of rendering aid to and sustaining the rebellion, Frazier, Trenholm & Co., of Liverpool, and the firm of W. S. Lindsay & Co., of London, are among the more prominent.

The foregoing list of vessels, steam and sailing, was taken from memorandums. Had my other duties allowed me time to examine my despatches for the last year and a half, I could no doubt add others to the list, and give you some interesting particulars concerning many of them. But for want of that time I am obliged to submit it, imperfect as I fear it is.

I am, sir, your obedient servant,

F. H. MORSE, *Consul.*

Hon. C. F. ADAMS,
United States Minister at London.

Mr. Adams to Mr. Seward.

No. 287.]

LEGATION OF THE UNITED STATES,
London, January 1, 1863.

SIR: Learning from the consul at Liverpool that the person reported as the purchaser of the Sumter is a man well known in that place as the agent of Messrs. Fraser, Trenholm & Co., I immediately addressed a note to Lord Russell on the subject, a copy of which I have the honor to transmit.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 30, 1862.

MY LORD: On the 19th of this month, I am informed by the consul of the United States at Gibraltar, a public sale is said to have been made of the steamer Sumter, a vessel which had committed much depredation upon the commerce of the United States, and which had taken shelter in that port from pursuit by the national ships.

Having the strongest reason, from the known character and previous conduct of the alleged purchaser, to believe that this sale is effected solely for the purpose of rescuing the vessel from its present position, and of making use of her Majesty's flag to convert it to new purposes of hostility to the United States, I must pray your lordship's attention to the necessity under which I am placed of asking the assistance of her Majesty's government to prevent any risk of damage to the United States from a fraudulent transaction in one of her ports, or, in default of it, of declining to recognize the validity of the transfer, should that vessel subsequently be found by the armed ships of the United States sailing on the high seas.

Renewing the assurances of my highest consideration, I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Mr. Seward to Mr. Adams.

No. 440.]

DEPARTMENT OF STATE,
Washington, January, 5, 1863.

SIR: Your last despatches, like their immediate predecessors, have come within the hour appointed for the closing of the outgoing European mails. I acknowledge now the receipt of the more important one, which bears the date of December 18, and is numbered 275.

So much of this paper as relates to the transmission of supplies, and to naval preparations by the insurgents' emissaries in Europe, will be immediately communicated to the Navy Department.

Our iron-clad steamers are now gathering upon the southern coast. We have

lost the Monitor by her foundering at sea, and the accident justly produces a profound national regret. Her achievements had made her an object of pride—I might almost say an object of affection. But every one feels that she had already vindicated the invention and compensated the cost of her construction. Her place will be easily filled by another vessel, in which the fault to which we owe the loss of the Monitor has been corrected.

With the exception of the army of the Potomac, all our forces are now in a condition of activity. We are yet in a state of suspense about the result of a series of battles which occurred on the 31st December, and 1st, 2d, and 3d of January, in the neighborhood of Murfreesboro'. The telegraph thus far tells us of wonderful bravery, attended with varying phases of battle, and of great loss of life on both sides.

The forces of General Sherman, belonging to the army of General Grant, having descended the Mississippi, are besieging Vicksburg. Our latest advices do not inform us that the fleet under Admiral Farragut has as yet passed up the river from New Orleans. The force operating in Arkansas has been eminently successful. It is probable that the steamer which will convey this despatch will, at the time of her departure from Boston, receive later and more significant military information than any which it is now in my power to communicate.

While it would be unwise to promise immediate and decisive operations of our naval forces, I think you may rest assured that at least the rigor of the blockade already experienced at Charleston and Mobile is likely to be increased to such a degree as to defeat the aids which are proceeding to those ports from Europe.

The government of the United States has not recognized any obligation to justify its proceedings in the prosecution of the war against the insurgents. Still less would it in any case enter into the example set by its disloyal citizens in Europe by directing the attention of foreign states to the extraordinary severities decreed and practiced by the insurgents upon prisoners of war. The insurgents make up their records for themselves, and Christian people everywhere will judge whether the war waged against the government is entitled to sympathies so steadily invoked in the names of freedom and humanity.

Thus far no prisoner of war captured by the national military forces, nor any person arrested by the civil authority, has suffered any other penalty than mere duress for a limited period.

The intenseness of cruelty which reveals itself in the so-to-speak official utterances of the insurrectionary authorities indicates an alarm, a consciousness of exhaustion and of danger, which cannot be misunderstood. In the face of such utterances, appeals like that of the Confederate Aid Society in London, to which you have directed my attention, cannot excite sympathy among a people who, in every communication that they make to us, demand the most rigid observance of the rules of civil law and judicial administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 443.]

DEPARTMENT OF STATE,
Washington, January 5, 1863.

SIR: I revert to the now almost forgotten case of the Emily St. Pierre, whose captain and crew overpowered the prize crew on her deck when on her way to port for adjudication, and carried her into a British port in violation, as we think, of

the law of nations. In answer to our claim for restitution, Earl Russell said, in substance, that relief could only be obtained through judicial process. The establishment of the principle applicable in such cases is desirable for the interest of both countries. With a view to this point you will submit to Earl Russell the statements contained in the annexed extract from a despatch which has recently been received from the United States minister at the Hague. From these statements it would appear that the British government in the Crimean war demanded the restitution of a vessel in circumstances similar to those which belong to the case of the *Emily St. Pierre*.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 292.]

LEGATION OF THE UNITED STATES,

London, January 8, 1863.

SIR: In connexion with the papers already transmitted with my despatch No. 280, in relation to the position of the *Sumter* at Gibraltar, I have now to place in your hands a copy of Lord Russell's reply to my note to him of the 30th ultimo.

Having received further information from Liverpool as to the character of the purchaser of the *Sumter*, which tended to show still more clearly the nature of the whole transaction, and presuming that some attempt might be made to get off the vessel before the British government could be ready to act, on Saturday I decided upon sending a further telegraphic instruction to Mr. Sprague, a copy of which is also transmitted. I am very sensible of the responsibility I assume in hazarding a possible collision with Great Britain in this case. But as the British law is very strong on this point, the government can scarcely resist its application in this instance to the full extent, no matter what may have been our own practice. In point of fact, however, there is no inconsistency as to the latter, the suspicion of fraud being such as to vitiate the whole transaction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Earl Russell to Mr. Adams, January 1, 1863.
2. Telegram, Mr. Adams to Mr. Sprague, January 3, 1863.
3. Telegram, Mr. Sprague's reply, January 5, 1863.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 1, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, calling my attention to the circumstances attending the sale of the steamer *Sumter* at Gibraltar. I have the honor to state to you, in reply, that the law officers of the crown have already the case before them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Sprague.

LONDON, January 3, 1863.

Klingendan's name throws much suspicion on the sale. You must refuse to recognize it. And if the Sumter try to slip off under a British flag, Captain Bryson must stop and take her on the high seas if he can. He need not mind the twenty-four hour rule, if outside the jurisdiction.

CHARLES F. ADAMS,
United States Minister, London.

Mr. SPRAGUE, *United States Consul, Gibraltar.*

Mr. Sprague's reply to Mr. Adams.

SAN ROQUE, January 5, 1863.

Telegraph Saturday received. Have notified governor sale Sumter will not be recognized. Sumter quiet in port past week. Has ceased flying any flag.

SPRAGUE.

ADAMS, *American Minister, London.*

Mr. Adams to Mr. Seward.

No. 293.]

LEGATION OF THE UNITED STATES,
London, January 8, 1863.

SIR: In conformity with the directions contained in your despatch No. 429, of the 20th of December, 1862, I have transmitted to Earl Russell the copies of memorials and other papers relating to the destruction by the vessel No 290 of the ships Virginia, Benjamin Tucker, Elisha Dunbar, Ocean Rover, Altamaha, and Ocmulgee, which were sent to me with that despatch.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,
London, January 9, 1863.

SIR: I have the honor to transmit herewith a copy of a telegram received this morning from the honorable E. Joy Morris, United States minister at C n-

stantinople, reporting the execution on the 7th instant, at Adrianople, of the three assassins of Mr. Merriam.

I have the honor to be, with great respect, sir, your obedient servant,
 BENJAMIN MORAN,
Assistant Secretary of Legation.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

PERA, *January 7, 1863—6.20 p. m.*

Inform Mr. Seward the three assassins of Merriam were this day hung at Adrianople.

MORRIS.

B. MORAN, *Secretary of American Legation, London.*

Mr. Seward to Mr. Adams.

No. 448.]

DEPARTMENT OF STATE,
Washington, January 13, 1863.

SIR: Your despatches of December 24 (No. 280) and December 25 (No. 281) have been received at an hour too late to allow a mature consideration of them before the departure of the mails.

The information concerning military events announced by my last despatches has been in part confirmed. General Rosecrans obtained a decisive and profitable victory at Murfreesboro'. General Sherman, on the other hand, was repulsed at Vicksburg. You will find the information of the press on the result of the affair confused and unsatisfactory. It is, therefore, proper for me to say that directions have been given to Major General Grant to reorganize and renew the expedition immediately, and in a very effectual manner.

Our small force at Galveston seems to have been surprised and dislodged at the moment when re-enforcements were about to enter the harbor to secure the occupation of the place. The misfortune is not a serious one.

Large land forces and an iron-clad fleet are advancing towards Charleston, and it will be not unreasonable to expect the occurrence of some important events there any time after the close of the present week.

The public attention is now fastened upon the financial measures which are engaging the consideration of Congress. As is customary with fiscal questions, they excite the utmost anxiety. There is, however, good ground to expect a settlement of the subject upon a practical and acceptable basis.

Our advance in the great national transaction in which we are engaged is seen in the fact that Congress is, for the first time, found seriously engaged with the proposition to aid some of the slaveholding States in their efforts for emancipation. A bill of that character, affecting the State of Missouri, has passed the House of Representatives, and is now under consideration in the Senate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 450.]

DEPARTMENT OF STATE,
Washington, January 14, 1863.

SIR: Your despatch of December 25 (No. 281) has been received. The President has expressed to me his pleasure that a consideration here of Earl Russell's note upon the case of the "290" be reserved until we shall be able to have the advantage of a perusal of the note which you have authorized us to expect you would address to Earl Russell, explaining and reaffirming the views which you had heretofore submitted in regard to that important subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 296.]

LEGATION OF THE UNITED STATES,
London, January 15, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 433 to 436, inclusive, and a note dated the 26th of December, relative to Major John Foley.

With respect to the instructions to bring the question of Scheldt dues to the notice of her Majesty's government, as mentioned in your No. 436, of 30th of December, I shall avail myself of the first opportunity to mention the subject to Lord Russell, without asking a special conference for that alone.

There is little or no change to notice in the state of things here. The returns of the revenue for the year are regarded as highly encouraging in respect to the general condition of the country, and there are some indications that even in the distressed districts the number of unemployed persons is steadily diminishing.

The intelligence of the issue of the President's proclamation has had a decided effect in concentrating the opinions of the friendly party here, whilst it has, to a corresponding extent, provoked the anger of the abettors of the rebellion. The lines are becoming more and more clearly drawn. As Parliament is to assemble for the despatch of business in less than three weeks from this time, this question becomes of considerable importance. There is a general impression abroad that the ministry may not be averse to accept an issue which will involve a dissolution and an appeal to the country. But the better opinion seems to lean the other way. Still it is very certain that the fact of the possibility of the happening of such an event at any moment is making the members of the House of Commons more and more sensitive to the currents of popular opinion. I notice that the tone of most of those who now address their constituents is becoming rather more than less cautious as it regards America. In this emergency some military successes at home might have a very decided effect in turning the scale in our favor. At this moment we are awaiting the issue of the conflicts pending at Murfreesboro' and Vicksburg with quite as much of fear as of hope. It seems quite unaccountable that with such a great disparity of forces between the two sides as unquestionably exists, this advantage seldom seems to be brought to bear decisively for us.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 451.]

DEPARTMENT OF STATE,
Washington, January 16, 1863.

SIR: Your despatch of January 1st (No. 287) has been received. The note you have addressed to Earl Russell, on the subject of the Sumter, is approved.

You are aware that that vessel was originally called the Marquis of Havana, and under that name was captured off Vera Cruz on the 6th of March, 1860, by the United States sloop-of-war Saratoga, T. Turner, commander. She was afterwards sent into New Orleans for adjudication, and a trial of the case took place before the United States district court there, the vessel being claimed as Spanish property.

There is no precise information here as to the result of the trial, but in a letter to the Solicitor of the Treasury, dated in November, 1860, the United States attorney at New Orleans asks leave to cause a sale of the vessel to be made. No answer was returned to this letter, and we are not aware whether the sale actually took place, or under what circumstances. More definite information on this point will at once be sought in the proper quarter at New Orleans. The Marquis of Havana is understood to have remained there until after the insurrection, when, as you know, she was fitted out as an armed vessel in the service of the insurgents, and having broken through the blockade at the mouth of the Mississippi, and having gone on her career of devastation, she ultimately sought refuge in Gibraltar. It is at least possible that this government may in the end have to account to Spain for her capture above referred to. This, and the great probability that there was no legal sale of the vessel, would perhaps have justified us, independently of other considerations, in directing the seizure of the Sumter on the high seas. Her capture, even after her sale at Gibraltar, would seem to be warranted at least by a passage in "Wildman's Law of Search, Capture, and Prize," page 28, which is in the following words:

"The purchase of a ship-of-war by a neutral, while she is lying in a port to which she has fled for refuge, is invalid."

Pursuant to this, before your despatch of the 24th ultimo (No. 280) reached here, this department addressed a letter to the Secretary of the Navy, recommending that orders should be given for the capture of the Sumter anywhere on the high seas. When that despatch was received, however, another letter was addressed to Mr. Welles, requesting a suspension of any order which might have been given pursuant to the first communication. This letter reached the Navy Department before any orders had been despatched, and a suspension of them has accordingly taken place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 298.]

LEGATION OF THE UNITED STATES,
London, January 16, 1863.

SIR: I have received another address to the President of the United States, together with a copy of resolutions adopted at a public meeting held at Sheffield on the 31st ultimo, which I have the honor to transmit herewith.

I find the following circular in the newspapers of yesterday morning. It is not without significance just at this crisis.

“EMANCIPATION SOCIETY, MANCHESTER BRANCH,
“January 5, 1863.

“DEAR SIR: We respectfully invite your co-operation in the formation of a branch emancipation society in this city, to second the efforts of the association in London, whose address we enclose you.

“The committee of that society have offered to send a deputation to address public meetings throughout the manufacturing districts, provided the local arrangements for such meetings be undertaken by a branch organization, such as the one to which we ask your adhesion.

“Recent events have unmistakably demonstrated that, amongst working-men especially, true views on the American question generally prevail, and that there is in Lancashire a much stronger sympathy for the anti-slavery administration of the north than was anticipated.

“The visit of a deputation from the London Emancipation Society would not only give a valuable opportunity for the expression of these opinions, but would cause the important issue of freedom *vs.* slavery, involved in the American war, to be better understood.

“At the close of the labors of the London deputation, it is proposed to hold an influential meeting in Manchester, at which some of the leading liberal members of Parliament and representative politicians of Lancashire are expected to attend.

“As it is of importance that the work in hand should be commenced at once, we venture to hope for an early and favorable reply.

“We are, dear sir, yours very truly,

“THOMAS B. POTTER, *Chairman.*

“ED. OWEN GREENING, *Hon. Sec.*”

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

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[Enclosures]

1. Address to President, Sheffield, December 31, 1862.
2. Resolutions of same meeting.
3. Resolutions of Sheffield meeting, January 10, 1863.
4. Copy of Mr. Clegg to Mr. Adams, January 15, 1863.

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No. 2.

At a public meeting of the inhabitants of Sheffield, in the county of York, held on Wednesday, the 31st December, 1862, Alderman George Lemon Saunders, esq., in the chair, it was proposed by Mr. Councillor Ironside, seconded by Mr. Councillor Woodcock, and—

“*Resolved*, That civil war in any country is an unmitigated evil, more especially in America, whose career of prosperity and liberty has been unprecedented; and as the institution of slavery has been the most prominent and influential cause of the war, this meeting is of opinion that the present is a favorable crisis for slavery to be terminated, and thus not only end the war, but give a promis

ing and hopeful prospect to the future of peace and prosperity both to America and England."

Proposed by Mr. Councillor Skelton, seconded by Mr. William J. Clegg, and—

"*Resolved*, That, in the opinion of this meeting, it is the duty of England, as the recognized enemy of slavery, to give her sympathy and moral influence to the northern States, to disapprove of the origin and continuance of the slave-owners' rebellion, and by all peaceable means to try to cement a closer and stronger union between this country and the people and government of America."

It was further unanimously resolved that the address now read be signed by the chairman, on behalf of the meeting, and forwarded through the proper authorities to his excellency the President of the United States.

WM. J. CLEGG, *Hon. Secretary to the meeting.*

No. 3.

At a meeting held in the Temperance Hall, Townhead street, in Sheffield, in England, on the evening of Friday, January 10, 1863, (attended by upwards of one thousand five hundred persons, the greater proportion of whom consisted of workingmen now suffering from the depression of trade consequent on the slave-owners' rebellion against the United States government,) the Rev. Francis Bishop in the chair.

After an interesting address from Mr. W. A. Jackson, the late coachman and slave of Mr. Jefferson Davis, it was proposed by Mr. W. J. Clegg, seconded by the Rev. J. Pattinson, and enthusiastically and unanimously—

Resolved, That this meeting being convinced that slavery is the cause of the tremendous struggle now going on in the American States, and that the object of the leaders of the rebellion is the perpetuation of the unchristian and inhuman system of chattel slavery, earnestly prays that the rebellion may be crushed, and its wicked object defeated, and that the federal government may be strengthened to pursue its emancipation policy till not a slave be left on the American soil.

That a copy of the last resolution be sent to his excellency the Hon. C. F. Adams, the American ambassador to the court of St. James, with a request to him to have the kindness to forward it to the President of the United States.

FRANCIS BISHOP, *Chairman.*

No. 1.

Mr. Clegg to the President of the United States.

SHEFFIELD, December 31, 1862.

YOUR EXCELLENCY: We, the inhabitants of the town of Sheffield, in the county of York, England, in public meeting assembled, ask permission to express towards your excellency, and the free and noble country over which you have been elected to preside, the sentiments of sincere and fraternal sympathy by which we are animated.

We have witnessed the career of the great republic of the United States under its wise and beneficent Constitution with feelings of profound admiration, and with a lively hope that the union of your States would not only be prosperous but permanent. In all your efforts to preserve and extend the blessings of national liberty we have heartily wished you success. We have been accus-

tomed to look to your free and glorious country as to a beacon for the peoples and nations of the world—a country in which the sons of labor were honored, and all whose institutions were the result of the exercise of the spontaneous will of enlightened and patriotic citizens. We have seen, however, with unfeigned sorrow, that slavery, always a curse to the nation by which it is tolerated, has exerted its pestilential influence, has darkened for a time your political atmosphere, and has at length produced disorder, rebellion, and civil war. In the midst of the conflict, caused by the existence of this evil, we have witnessed with growing satisfaction the courage, devotion, and perseverance in the cause of freedom of the great majority of the States of your union, their attachment to your Constitution, their fidelity to the lofty and humane principles on which your republic was founded, and their determination to effect the extirpation of slavery, if necessary, to preserve the integrity of your vast and powerful empire. In this great struggle you have had from the beginning, and have still more at the present time, our earnest sympathy, and we pray that its issue may be not only the reintegration of your union, but the disenthralment of the entire colored population throughout your widely-extended land; thus will you prove yourselves not merely patriots, but benefactors of the human race. The recent acts of your government and Congress have called forth our warmest applause; you have purged your national District from the crime and reproach of slavery; you have recognized the negro republics of Hayti and Liberia; you have forever excluded slavery from your territories; you have entered into treaty engagements with England for the suppression of the African slave trade; you declared freedom to the slaves of rebel masters, and you have initiated a scheme of compensated emancipation in all other cases; for these things we greatly honor you, and fervently wish you God speed in the endeavor to consummate the great and good work of freedom and union. We deeply regret that any of our countrymen should have displayed a feeling of sympathy with those in America who are fighting to establish an oligarchical government on the basis of the enslavement of a weak and defenceless race, and who seek to make slavery the chief corner stone of a new national edifice. Accept our assurance that such degenerate Englishmen do not represent the great body of the British people; some of our aristocratic and mercantile classes may wish success to treason and slavery, but the masses of England are with the loyal and the true amongst your citizens.

We beg your excellency to receive the expression of our heartfelt desire that the war which now desolates your beloved country may soon terminate, and that returning peace may witness the reconstruction of your union upon the enduring basis of equal and universal liberty.

Signed on behalf of the meeting,

WM. J. CLEGG, *Hon. Secretary to the meeting.*

His Excellency ABRAHAM LINCOLN,

President of the United States, &c.

Mr. Adams to Mr. Seward.

No. 299.]

LEGATION OF THE UNITED STATES.

London, January 16, 1863.

SIR: I have this moment received a large deputation of the executive committee of the Emancipation Society, who have, through their president, presented to me a series of resolutions adopted by them, which I am requested to transmit to the President of the United States. Some remarks were made by the chairman and several distinguished members of the committee, to which I

returned a brief reply. A report of the same will probably appear in the newspapers to-morrow, a copy of which I shall endeavor to forward.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

At a meeting of the executive committee of the Emancipation Society, specially convened at 65 Fleet street, London, on the 15th of January, 1863, it was unanimously—

Resolved, That this committee, constituted without respect to political party or social distinctions for the development of British anti-slavery feeling, has learned with profound satisfaction the issue, on the 1st of January, of President Lincoln's promised proclamation, declaring the freedom of all persons held as slaves in the States or parts of States in rebellion against the United States.

That the President's injunction to the persons declared free to abstain from violence, except in self-defence, and to accept reasonable terms of hired service, with the offer of military employment under the United States government, is an effectual rebuke to the imputation that servile war was contemplated by the proclamation, or that the liberated negro would be left to starvation and to crime.

That this committee recognizes in the limitation of that declaration of freedom to the districts so described no indifference on the part of the President and his cabinet to the injustice and evil of slavery in other districts of the Union, but an act of submission to the Constitution, and of faithful regard to their official oaths.

That this committee also connects with this proclamation of freedom, under the authority of martial law, the offer of compensation to loyal slaveholders for the loss of their slaves, and that great scheme of emancipation submitted to Congress in the message of December 1, 1862, as an amendment to the Constitution.

That these acts taken together, and with them other measures tending to the freedom and equality of the subject race, inspire this committee with hearty confidence in the anti-slavery purposes of the United States government.

That this committee, therefore, offers to President Lincoln and his ministers, through their representative in this country, its warmest congratulations upon the auspicious aspect they have given to this new year, and joins with the President in invoking for these acts of freedom, justice, and mercy, "the considerate judgment of mankind and the gracious favor of Almighty God."

By order of the committee,

WILLIAM EVANS, *Chairman.*

F. W. CHESSON, *Hon. Secretary.*

Mr. Moran to Mr. Seward.

LEGATION OF THE UNITED STATES,

London, January 17, 1863.

SIR: I have the honor, under directions from Mr. Adams, to forward herewith a slip from the *Morning Star* of to-day, giving a report of the reception by him of a deputation composed of members of the executive committee of the London Emancipation Society, whose address, approving of the President's

proclamation, he had the honor to transmit with his despatch (No. 299) of yesterday's date.

I am also directed to inform you that another address, from a meeting of seven hundred citizens of Salford, in Lancashire, has been received, but too late for transmission this week.

I have the honor to be, sir, with great respect, your obedient servant,
 BENJAMIN MORAN,
Assistant Secretary of Legation.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Morning Star, (London,) January 17, 1863]

THE PRESIDENT'S PROCLAMATION.

Deputation to the American Minister.

Yesterday afternoon a deputation from the executive committee of the Emancipation Society waited on his excellency the American minister, at the embassy in Portland-place, for the purpose of presenting him with a resolution, agreed upon at a special meeting of the committee, approving of President's Lincoln's proclamation.

Among the gentlemen composing the deputation were the Hon. and Rev. Baptist Noel, M. A.; P. A. Taylor, esq., M. P.; Mr. Benjamin Scott, F.R.S.A., chamberlain of London; Rev. Newman Hall, LL.D.; Rev. R. Everest; Rev. J. H. Rylance; Mr. William Evans, chairman of the Emancipation Society; Mr. Edmond Beales, barrister-at-law; Mr. William Shaen, M. A.; Messrs. W. Hargreaves, Jacob Bright, H. J. Slaek, James Beal, J. Gorrie, Harry Taylor, Washington Wilks, F. W. Chesson, (hon. sec.,) A. H. Dymond, W. Farmer, R. Moore, &c., &c.

Mr. Evans appropriately introduced the deputation, after which Mr. Chesson read the resolution as follows:

"That this committee, constituted without respect to political party or social distinctions, for the development of British anti-slavery feeling, has learned with profound satisfaction the issue, on the 1st of January, of President's Lincoln's proclamation, declaring the freedom of all persons held as slaves in the States or parts of States in rebellion against the United States government.

"That the President's injunction to the persons declared free to abstain from violence except in self-defence, and to accept reasonable terms of hired service, with the offer of military employment under the United States government, is an effectual rebuke to the imputation that servile war was contemplated by the proclamation, or that the liberated negro would be left to starvation and to crime.

"That this committee recognizes in the limitation of that declaration of freedom to the districts so described no indifference on the part of the President and his cabinet to the injustice and evil of slavery in other districts of the Union, but an act of submission to the Constitution and of faithful regard to their official oaths.

"That this committee also connects with this proclamation of freedom, under the authority of martial law, the offer of compensation to loyal slaveholders for the loss of their slaves, and that great scheme of emancipation submitted to Congress in the message of December 1, 1862, as an amendment to the Constitution]

"That these acts taken together, and with them other measures tending to the freedom and equality of the subject race, inspire this committee with hearty confidence in the anti-slavery purposes of the United States government.

“That this committee, therefore, offers to President Lincoln and his ministers, through their representative in this country, its warmest congratulations upon the auspicious aspect they have given to this new year; and joins with the President in invoking for these acts of freedom, justice, and mercy, ‘the considerate judgment of mankind and the gracious favor of Almighty God.’”

Mr. Taylor, M. P., expressed the great pleasure he felt at the course the American government had lately taken in regard to slavery. That course would greatly enlighten the people of this country, many of whom had been misled as to the origin and results of the war. Slavery had been one of the causes which had sown dissension between the two countries. He, therefore, believed that the proclamation would not only tend to the entire abolition of slavery and the continuance of the Union, but that it would greatly conduce to a lasting peace between England and America. (Hear.)

The Hon. and Rev. Baptist Noel said he cordially approved of Mr. Lincoln’s policy. He had observed Mr. Lincoln’s honest intention to maintain the Constitution on the one hand, and to do what the Constitution allowed on the other, for the liberation of the slave. The President had used the war power which had been put into his hands, and he (Mr. Noel) hoped that, under God’s blessing, it might be the means of bringing the rebellion to a close. In abstaining from taking the same course in the border loyal States, he recognized the President’s submission to the Constitution. But he (Mr. Noel) hoped and trusted the loyal States would accept the liberal offer which the government had made; and that, ere long, America would be free from the stain of slavery. (Applause.)

The Rev. Newman Hall said the opinion of this country on the American struggle had been greatly misrepresented. The leading newspapers, which were supposed to represent public opinion, really did not represent the feelings of the masses. Many of the upper and middle classes had been misled on the question, but the working classes had not. No meetings had been called in support of slavery, while the meetings that had been held against it had been of the most triumphant character. All the opposition that had been attempted had been an utter failure. He would just give one illustration of the inconsistency of those who misrepresented public opinion. In the *Times* of the day before there had been a leading article, in the first paragraph of which the President had been condemned, on the high ground of philanthropy, for not issuing the proclamation, while in the next paragraph he had been condemned for what he had done, on the ground that he had invaded the Constitution. Now, when one paragraph in a leading journal contradicted another he did not think there was much danger that the great body of the people would fall into error on the question. (Hear.)

Mr. Jacob Bright said he concurred in what had already been said. In Lancashire, where they should find opposition to the continuance of the war, if they were to find it anywhere, the working classes were almost unanimously in favor of the North. He had seen the question tested in Rochdale and many other places, and in these places he had seen a strong, warm, and earnest feeling in favor of emancipation displayed. (Approbation.)

His excellency Mr. Adams then replied in the following terms:

GENTLEMEN: I receive this expression of the sentiments of so respectable a body with great pleasure and great satisfaction. I need not say how encouraging such manifestations will be to those persons in my country represented by the President of the United States, who have been driven into the necessity of maintaining such a painful struggle as has been carried on by them in America, in devotion to great principles of public law and public order. I am very much encouraged by the circumstance that there is growing here, and in Europe generally, a better conception than has heretofore prevailed of the principles involved in the struggle. The election of Mr. Lincoln was a great declaration of

the majority of the people of the United States in favor of the principle of human freedom. The signification of it was that the persons then elected to places of responsibility should be so far imbued with that principle as that, while they carried on the government in the spirit of freedom, they should at the same time avoid the necessity of a struggle of physical force. It was the conviction, on the part of the opponents of that policy, that the result would be as certain by that process, though perhaps much slower, that drove them into the desperate measure of stopping it at the threshold by violence. The consequence was that the government was attacked at its very foundations. The struggle to preserve it has been going on from that time to this. If, therefore, there has been what might otherwise be thought extraordinary haste and precipitate energy in any of the measures which have been taken by the government, it has not been owing so much to any will of their own, as to the fact that the violence of the resistance has caused the necessity for them. I think the idea which it is desirable to present distinctly is this: that the struggle has been one of self-defence against the aggressive system that was threatening destruction to the whole edifice of government as it stood, for the reason that it was too favorable to freedom. And with regard to this proclamation, the desire on the part of the President of the United States has been, as I conscientiously believe, not to hasten the measure of emancipation any faster than popular sentiment in the slave States would demand, nor any faster than the emergency should dictate; or, in other words, simply so to act as to prevent those very convulsions which war is too apt to precipitate. Therefore, in all matters incidental to the maintenance of his policy, regard has been steadily had to the possible avoidance of those dangers of servile war which necessarily must have been foreseen by all thoughtful persons during the contest. Therefore, whilst always keeping in view the ultimate consequences of this most remarkable, and, I may say, unprecedented struggle, I trust that the great results which we all hope to arrive at will be eventually reached, not perhaps immediately, not perhaps to-day or to-morrow, or the next day, but ultimately, by a steady perseverance in one course, which may force the consent of all parties, and yet avert the fearful consequences which we might naturally apprehend. I am extremely gratified in the assurances which have been given by several gentlemen with respect to the state of popular feeling in England on this subject. I have myself had occasion to notice the fact, that although some of the exponents of the public sentiment have appeared to be at times exceedingly harsh upon the United States, yet that when opportunity offered for an appeal to the people themselves, that the sentiment has uniformly responded to the policy which the United States government have enunciated. I am, therefore, encouraged to hope that the clouds which have heretofore gathered, and at times somewhat portentously, over the amicable relations of the two countries have now more and more the appearance of vanishing from the sky. I feel sanguine that the expression of sympathy from here, which I have been lately the medium of repeatedly communicating to my countrymen, will have the effect of clearing away many impressions that may have been received by reading the attacks of hostile journals, and taking them too much as the true expression of the sentiment of the people. I think, by understanding distinctly—which they will now have the opportunity of doing—that the policy of Great Britain is not retrograde on the subject of slavery, wherever it may yet exist, and that it is true to the former pledges it so nobly gave to the world of its devotion to the principle of human freedom—the growing conviction of that fact will have the effect in America of restoring those amicable relations and reviving those warm sentiments which ought to be entertained between the two kindred people at all times. Gentlemen, I shall not longer detain you. I will just say that I shall have pleasure in communicating to my government a knowledge of the sentiments which have been expressed here by you to-day.

The deputation then thanked his excellency for the courtesy with which he had received them, and withdrew.

Mr. Seward to Mr. Adams.

No. 454.]

DEPARTMENT OF STATE,
Washington, January 19, 1863.

SIR: I have before me your despatch of December 25th, No. 281, together with the note written to you by Earl Russell on the 19th of November last, and also your despatch of January 1st, No. 286, together with the reply which you made on the 30th of December last to the aforementioned note of Earl Russell. All these papers relate to the claim which you presented to her Majesty's government for redress for the depredations of the "290," or "Alabama," and for the adoption of measures to prevent the occurrence of similar violations of the maritime rights of this country in future.

You have properly replied to Earl Russell's note, and cleared up the argument of the case by a paper which seems to the President as convincing as it is calm and truthful.

Earl Russell's argument does not satisfy the President that redress ought not to be granted to our citizens for the depredations which have been committed by the "290." He trusts that your reply may yet induce a reconsideration of that subject. I therefore leave that branch of the case at rest until there shall have been an opportunity to hear further from you upon that subject.

It is not presumed that our anti-enlistment act is defective, or that Great Britain has ground to complain that it has not been effectually executed. Nevertheless, the proposition of her Majesty's government that the two governments shall confer together upon amendments to the corresponding acts in the two countries, evinces a conciliatory, a liberal, and just spirit, if not a desire to prevent future causes of complaint. You are therefore authorized to confer with Earl Russell, and to transmit for the consideration of the President such amendments as Earl Russell may, in such a conference, suggest and you may think proper to be approved.

You will receive herewith a copy of some treasonable correspondence of the insurgents at Richmond with their agents abroad, which throws a flood of light upon the naval preparations they are making in Great Britain. You will use these papers in such a manner as shall be best calculated to induce the British government to enforce its existing laws, and, if possible, to amend them so as to prevent the execution of the unlawful designs which will thus be brought to their notice in a manner which will admit of no question in regard to the sufficiency of evidence.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

CORRESPONDENCE OF THE CONFEDERATE STATE DEPARTMENT.

Mr. Benjamin to Mr. Slidell.

[No. 6, duplicate.]

DEPARTMENT OF STATE,
Richmond, September 26, 1862.

SIR: Since my No. 5, of 19th July, I am without any communication from you, with the exception of your No. 2, of 26th February last, which was brought to the department on the 26th of this month by Mr. Chamberlyn, to whom you

had intrusted it. This gentleman has thus consumed seven months in discharging the trust confided to him.

Your Nos. 1, 3, 4, 5, and 6 are still missing, and for the regularity of the archives of the department I beg you to forward duplicates of them.

Events of startling importance have been crowded so rapidly into the short period which has elapsed since my last despatch that any attempt to give them in detail would swell this communication into a volume. I shall endeavor to send you herewith our files of newspapers, which will furnish details, and confine myself to a statement of the present condition of affairs.

On the 19th July the remnant of McClellan's defeated army was still encamped at Harrison's Landing, on James river, fortified in a very strong position and protected by a formidable fleet of gunboats. His defeat has been followed by an order of President Lincoln investing Major General Halleck with the command-in-chief of all the armies of the United States, headquarters at Washington. Major General Pope was assigned to the command of the army of the Potomac, which was composed of the shattered remnants of the armies of Frémont, Milroy, and Banks, after their rout by General Jackson in the battles of the valley, to which were added the several armies of McDowell, who occupied Fredericksburg; of Burnside, who was recalled from North Carolina; and of Hunter and Stevens, who were recalled from South Carolina. This army was also increased by troops withdrawn from Norfolk and Fortress Monroe, and replaced at those points by raw levies. This accumulated force amounted probably to about ninety thousand effective men, and the old cry of "on to Richmond" was renewed with the usual accompaniment of extravagant boasting by the northern journals.

General Lee first despatched General Jackson with a corps d'armée of about twenty-five thousand men to check Pope's advance, and having satisfied himself that a small force would be sufficient to watch McClellan, (whose army was demoralized and dispirited by the result of the battles of the Chickahominy, and was being fast worn down by sickness,) proceeded with the main body of the army as rapidly as possible to join General Jackson; but the movement was not accomplished as speedily as was desirable in consequence of our deficiency in means of transportation. General Lee had hoped with his united forces, which were nearly equal in number to Pope's, to crush the army of that general before McClellan could come to its relief if such a movement were attempted. The plan was on the eve of successful accomplishment when a sudden rain-storm so swelled the Rapid Ann river that it was necessary to wait some days before crossing it, and Pope, in the meantime, taking the alarm, retired rapidly behind the Rappahannock, thus bringing himself within supporting distance of McClellan, who had been ordered round to join him in accordance with the anticipations of General Lee. The combined forces of McClellan and Pope were, however, met by General Lee in a series of successful battles on the plains of Manassas on the 28th, 29th, and 30th August, and the total route of the enemy was followed by the withdrawal of their entire forces into the fortifications around Washington; by the disgrace of Pope, who has been banished to an insignificant command in Minnesota; and by the appointment of McClellan to the command of the army collected "for the defence of Washington." General Lee, amusing the enemy by feigned demonstrations of attack on his lines at Arlington Heights, succeeded in withdrawing his entire army from their front and entered Maryland by the fords at Edward's Ferry, in the neighborhood of Leesburg, without opposition, and established his headquarters at Frederick.

Again making deceptive demonstrations of an intention to march, at one time into Pennsylvania and at another time against Baltimore, General Lee disposed his army in such manner that by a rapid movement he enveloped the whole federal force of over eleven thousand men stationed at Harper's Ferry, and forced it into an unconditional surrender. The fruits of this movement were

over eleven thousand prisoners, including more than four hundred officers, twelve thousand stands of arms, ninety pieces of artillery, and an enormous quantity of stores, principally munitions of war, together with two hundred wagons, &c. General McClellan, becoming aware too late of the danger, moved from Washington in great haste with the view to relieve the troops invested at Harper's Ferry, and on the day before their surrender attacked with his whole force of eighty thousand men General D. H. Hill, who, with a rear guard of fifteen thousand men, had been left to resist his advance, and who held his position with unconquerable firmness, but was finally compelled to give way for a short distance, under the stress of those overwhelming odds, until Generals Lee and Longstreet, arriving with re-enforcements, re-established his lines, and repulsed the enemy. The rapid arrival of re-enforcements for General McClellan induced General Lee to withdraw his troops to Sharpsburg, for the purpose of effecting a junction with the corps of Generals Jackson and A. P. Hill, who had not yet returned from the capture of Harper's Ferry. On Tuesday and Wednesday, the 16th and 17th instant, General McClellan, with his entire army, amounting probably to one hundred and fifty thousand men, attacked General Lee with great fury, while the latter was still separated from the corps of Jackson and Hill, and had not more than forty thousand men to meet the assault. Incredible as it may appear, our unconquerable soldiers met the shock with unyielding firmness, fought with desperation, although terribly outflanked on both wings, and, slowly retiring, maintained an unbroken front, until the arrival of Jackson at noon, followed by that of A. P. Hill at four p. m., enabled them to turn the tide, to drive back the advancing columns of the enemy, and to regain their first position, when the approach of night put an end to the most desperate conflict of the war, each party sleeping on its arms in the respective positions occupied by them when the battle began. General Lee prepared to renew the engagement next morning, but the enemy had disappeared from his front, and left him the master of the field.

After occupying the day in providing for his wounded and the burial of the dead, General Lee withdrew his army across the river to Shepherdstown for rest, and for the purpose of gathering a large number of stragglers yet on the road from Richmond; and no sooner was this fact known than General McClellan claimed a victory, and was tempted by the frantic exultation of the northern papers into what he called a pursuit of a flying foe. His temerity met with severe punishment. On the 21st instant a division of his army, in attempting to cross the river, was decoyed by a feigned retreat of Jackson until they were too far advanced for retreat, and were routed with appalling slaughter. The river was choked with their dead, who fell by thousands; and out of one regiment of about fifteen hundred men who attempted the passage, but about one hundred and fifty are believed to have escaped. General Lee, at the last accounts, was about to recross into Maryland at Williamsport, and has probably already established his headquarters at that point.

General Loring, in western Virginia, has just concluded a perfectly successful campaign, (with the aid of General Jenkins,) by which the enemy, after being beaten in a series of battles, with heavy loss in killed, wounded, and prisoners, had reached in their flight the lower waters of the Kanawha, and the remnant of their forces is probably by this time on the other side of the Ohio river, thus leaving western Virginia perfectly free from any other invading force than some small parties in the extreme northwest in the neighborhood of Wheeling.

Signal triumphs have illustrated our arms in the valley of the Mississippi. My last despatch announced that General Bragg had commenced a movement which was expected to liberate Tennessee from the presence of the invaders. After a long and laborious march of over 400 miles he crossed, uninterrupted by the enemy, from Tupelo, in Mississippi, to Chattanooga, in Tennessee. Cavalry expeditions, under the daring leadership of Colonel Morgan and General Forrest,

were despatched into Kentucky and Tennessee, which attacked the enemy at their different encampments and depots of supplies. Their communications were intercepted, railroad bridges burned, tunnels destroyed, camps captured, and several thousand of their troops made prisoners. The enemy's army at Cumberland Gap, about 10,000 strong, was closely invested, its supplies cut off, and they were forced to abandon their position in the night, and are now fleeing through Kentucky hotly pursued by our forces under General Carter Stevenson, who is capturing their straggling bands as fast as he can reach them. This army of the enemy may be considered as nearly annihilated. Major General Kirby Smith, in the meantime, advanced rapidly into Kentucky, reached Richmond, defeated and utterly routed an army of 10,000 men under General Nelson on the 30th August, (the very day of General Lee's grand victory at Manassas.) The enemy's army was absolutely destroyed, not more than two or three thousand fugitives escaping from the battle-field. The whole of the arms taken in this battle were used to arm the Kentuckians who are joining us in mass, and no doubt is entertained that that great State is at last permanently joined to our confederacy. General Bragg advanced into Kentucky by another line, and leaving Nashville and Bowling Green to his left arrived at Mumfordsville, where he forced a body of 5,000 men to a capitulation, thus providing arms for further re-enforcements of Kentuckians. These operations, by cutting off General Buell from his base, have forced that officer to evacuate Nashville, and thus not only is the whole State of Tennessee restored to our possession, with the exception of a small district around Memphis, but the seat of war has been removed from the line of the Memphis and Charleston railroad to the banks of the Ohio. We are in daily expectation of the news of the capture of Louisville.

The contrast between our present condition and that which existed ninety days ago seems almost magical. Instead of having the invader in the heart of our country, with our capital closely invested by an arrogant and confident foe, our entire frontier, from the Atlantic to the Mississippi, with a few insignificant exceptions, is reposing in peace behind the protection of our victorious forces. The cry of "On to Richmond" and of "waning proportions of the rebellion" is changed into a discordant clamor for protection arising from Ohio and Pennsylvania, and terror and confusion reign in Cincinnati, Harrisburg, and Philadelphia. No greater or more striking proof of the change of spirit at the north can be presented than is shown in the official despatch of General McClellan, in which, after falsely claiming a victory on the 17th instant, he actually felicitates his government that "Pennsylvania is safe!" The newspapers of New York, too, are demanding the transfer of the mint of the United States to that city, on the ground that it is exposed to capture in Philadelphia!

Herewith you will receive the President's message and accompanying documents, including the measures taken for the repression of the enormities threatened by the enemy, under the command of General Pope. I am gratified to inform you that some seventy of General Pope's officers, including General Prince, were captured by General Jackson, at the battle of Cedar Run, soon after the issue of the President's retaliatory order, and were excepted out of the exchange of prisoners of war and held in close custody. This wholesome severity produced the desired effect, and on official assurances received from the enemy that General Pope's order was no longer in force, and that he had been removed from his command, the captured officers were paroled for exchange. As I have observed in some of the English journals the facts have been strangely perverted and the acts of the President censured as wanting in humanity, it is desirable that some proper means be adopted by you for giving publicity to the facts. The confinement of the officers, notwithstanding the threat of great rigor, was the same as that of all the other prisoners of war, and no other severity was exercised towards them than a refusal to parole them for exchange till Pope's murderous orders were set aside.

It may not be improper to call your attention, for such use as may occur, to the enormous losses suffered by the enemy during the present campaign, and to which history furnishes no parallel except the disastrous retreat from Moscow. I give you the following estimate, which, without any pretension to exact accuracy, is reduced much below what is believed to be the real state of the case, from sources of information derived mainly from the enemy's own confessions. The list includes not only the killed, wounded, and prisoners, but the losses of the enemy by sickness (which was truly terrible) and desertion:

1st. McClellan's army lost	100, 000
(He landed on the Peninsula with nearly 100,000 men, was afterwards re-enforced to 158,000, and left with a remnant of about 55,000 men.)	
2d. Pope's army in the battles of Cedar Run and of Manassas Plains	30, 000
3d. The armies of Banks, Milroy, McDowell, Shields, and Frémont, in the battles of the valley of Virginia	30, 000
4th. Halleck's army in the west, originally 220,000, was reduced by battles, at Shiloh and elsewhere, by sickness and desertion, to less than 100,000 men, but let the loss be stated at only	100, 000
5th. On the coasts of North and South Carolina, Georgia, Florida, and Louisiana, principally by sickness and desertion, at least	10, 000
6th. In north and southwestern Virginia	5, 000
7th. In the battle of Boonsboro' and Sharpsburg	15, 000
8th. In the surrender at Harper's Ferry	11, 000
9th. In the battle at Boteler's Mills	2, 500
10th. In the army of General Morgan, at Cumberland Gap	5, 000
11th. In the battle of Richmond, Kentucky	7, 000
12th. In the surrender at Mumfordsville	5, 000
13th. In the campaigns of Morgan and Forrest, and other partisan leaders in Kentucky and Tennessee	4, 000
14th. In the trans-Mississippi campaign, including partisan warfare in Missouri and Arkansas	25, 000
Total	<u>349, 500</u>

In this enormous number I am not now able to state what general officers were included, but in the single battle of Sharpsburg, on the 16th and 17th instant, eleven generals of the enemy were killed or wounded, among them four major generals.

I enclose you, for information, copy of a despatch sent to Mr. Mann on the subject of a recent convention between the United States and the King of Denmark, relative to Africans captured from slavers at sea. It may be well to have an eye to the movements of the enemy in the disposal of slaves captured from our people, and you will perceive, by the instructions to Mr. Mann, what are the president's views on this interesting matter.

I received, on the 29th July, the *duplicate* of a letter of Mr. Rost, resigning his office, and informing the department that he was about to leave Madrid, and had confided the books and papers of the legation for safe keeping to Mr. Bauer, the agent and partner of the Rothschilds, in Madrid. This letter is dated on the 28th May, and as nothing is said in it in relation to Mr. Walker Fearn, the secretary of legation, I infer that the *original* was accompanied by a letter of resignation from Mr. Fearn also, but no such letter has reached the department. You are requested to ascertain whether Mr. Fearn has resigned, and, if contrary to the inference drawn from Judge Rost's letter, he has not done so, the president desires that you intimate to him, in the manner best adapted to avoid wounding his feelings, that the departure of Mr. Rost, under the circumstances,

and his closing up of the legation at Madrid, have put an end to Mr. Fearn's functions as secretary to Madrid, and that his office has thus been vacated.

I am, sir, respectfully, your obedient servant,

J. P. BENJAMIN,
Secretary of State.

HON. JOHN SLIDELL, &c., &c., &c., *Paris.*

Mr. Benjamin to Mr. Mann.

No. 4.]

DEPARTMENT OF STATE,
Richmond, August 14, 1862.

SIR: We are informed that an arrangement has been recently concluded between the government of the United States and that of Denmark for transferring to the Danish colonies in the West Indies Africans who may be captured from slavers and brought into the United States. We are not informed of the precise terms of this arrangement, and can, of course, have no objection to offer to its execution, if confined to the class of persons above designated, that is, to Africans released by the United States from vessels engaged in the slave trade in violation of laws and treaties.

It has, however, been suggested by the president that under cover of this agreement the United States may impose upon the good faith of the government of Denmark, and make it the unwitting and innocent participant in the war now waged against us. The recent legislation of the Congress of the United States, and the action of its military authorities, betray the design of converting the war into a campaign of indiscriminate robbery and murder. I enclose herewith a letter of the president to the general commanding-in-chief of our armies, and a general order on the subject of the conduct of Maj. Gen. Pope, now commanding the enemy's forces in northern Virginia, that you may form some faint idea of the atrocities which are threatened. The act of Congress of the United States, (of which a copy is enclosed,) decreeing the confiscation of the property of all persons engaged in what that law terms a rebellion, includes, as you are aware, the entire property of all the citizens of the confederacy. The same law decrees substantially the emancipation of all our slaves; and an executive order of President Lincoln directs the commanders of his armies to employ them as laborers in the military service. It is well known, however, that notwithstanding the restrictive terms of this order, several of his generals openly employ the slaves to bear arms against their masters, and have thus inaugurated, as far as lies in their power, a servile war of whose horrors mankind has had a shocking example within the memory of many now living. The perfidy, vindictiveness, and savage cruelty with which this war is waged against us have had but few parallels in the annals of nations.

The government of the United States, however, finds itself greatly embarrassed in the execution of its schemes by the difficulty of disposing of the slaves seized by its troops and subject to confiscation by its barbarous laws. The prejudice against the negro race in the northern States is so intense and deep-rooted that the migration of our slaves into those States would meet with violent opposition both from their people and local authorities. Already riots are becoming rife in the northern cities, arising out of conflicts and rivalries between their white laboring population and the slaves who have been carried from Virginia by the army of the United States. Yet these slaves are an inappreciable fraction of the negro population of the South. It is thus perceived that the single obstacle presented by the difficulty of disposing of slaves seized for confiscation is of itself sufficient to check in a very great degree the execution of the barbarous policy inaugurated by our enemies.

The repeated instances of shameless perfidy exhibited by the government of the United States during the prosecution of the war justify us in the suspicion that bad faith underlies every act on their part having a bearing, however remote, on the hostilities now pending. When, therefore, the president received at the same time information of two important facts—one, that the United States were suffering grave embarrassment from the presence within their limits of the slaves seized from our citizens; the other, that the United States had agreed to transfer to Denmark, for transportation to the Danish West Indies, all Africans captured at sea from slave-trading vessels, he felt that there was just reason to suspect an intimate connexion between these facts, and that the purpose of our treacherous enemy was to impose on the good faith of a neutral and friendly power by palming off our own slaves seized for confiscation by the enemy as Africans rescued at sea from slave-traders.

You are specially instructed to observe that the president entertains no apprehension that the government of Denmark would for one moment swerve from the observance of strict neutrality in the war now raging on this continent; still less that it would fail disdainfully to reject any possible complicity, however remote, in the system of confiscation, robbery, and murder which the United States have recently adopted under the sting of defeat in their unjust attempt to subjugate a free people. His only fear is that the cabinet of Copenhagen may (as has happened to ourselves) fail to suspect in others a perfidy of which themselves are incapable. His only purpose in instructing you, as he now does, to communicate the contents of this despatch to the Danish minister of foreign affairs (and if deemed advisable to furnish a copy of it) is to convey the information which has given rise to the suspicions entertained here. The president hopes thus to prevent the possibility of success in any attempt that may be made to deceive the servants of his Danish Majesty by delivering to them for conveyance to the West Indies our slaves seized for confiscation by the enemy, instead of Africans rescued on the high seas.

You are requested to proceed to Copenhagen by the earliest practical conveyance, and execute the president's instructions on this subject without unnecessary delay.

I am, &c.,

J. P. BENJAMIN, *Secretary of State.*

Hon. A. DUDLEY MANN, &c., &c., *Brussels, Belgium.*

—
Mr. Benjamin to Mr. Slidell.

No. 7.]

CONFEDERATE STATES OF AMERICA,
Department of State, Richmond, October 17, 1862.

SIR: Since my No. 6 of 26th ultimo, of which duplicate is herewith forwarded, some circumstances of a very remarkable character have come to the knowledge of the president, to which your earnest attention is invited.

On the 7th instant the president received from Governor Lubbock, of Texas, a letter, of which a copy is annexed, marked A, with enclosures Nos. 1 and 2.

The very singular nature of this correspondence initiated, as you will perceive, by Mr. B. Théron, French consular agent and Spanish vice-consul at Galveston, naturally excited a lively interest, but we had not yet arrived at any satisfactory conclusion as to the nature and extent, nor the *source* of the intrigue evidently on foot, when, on the 13th instant, the president received from the Hon. W. S. Oldham, senator from Texas, a letter, of which a copy, marked B, is herewith enclosed.

The concurrent action of two French consular officers, at points so remote

from each other as Galveston and Richmond; the evident understanding which exists between them; the similarity of their views and conduct; the choice of Mr. Oldham as the party to be approached, he being generally considered as identified with the party opposed to the administration, while Mr. Wigfall is its supporter; all concur in satisfying us that there is not only concert of action between these officials, but that their conduct has been dictated by some common superior. In plain language, we feel authorized to infer that the French government has, for some interest of its own, instructed some of its consular agents here to feel the way, and if possible to provoke some movement on the part of the State of Texas which shall result in its withdrawal from the confederacy. It is difficult, if not impossible, on any other hypothesis, to account for the conduct of these agents.

I have, in accordance with the instructions of the president, expelled both Mr. Théron and Mr. Tabouelle from the confederacy, and have forbidden their return without the previous permission of the government. I enclose you copies of the orders of expulsion, marked C and D.

In endeavoring to account for such a course of action on the part of the French government, I can only attribute it to one or both of the following causes:

1st. The Emperor of the French has determined to conquer and hold Mexico as a colony, and is desirous of interposing a weak power between his new colony and the confederate States, in order that he may feel secure against any interference with his designs on Mexico.

2d. The French government is desirous of securing for itself an independent source of cotton supply, to offset that possessed by Great Britain in India, and designs to effect this purpose by taking under its protection the State of Texas, which, after being acknowledged as an independent republic, would, in its opinion, be in effect as dependent on France and as subservient to French interests as if a French colony.

It is more than probable that both these considerations would have weight in the councils of the French cabinet, and we are not without suspicion that the tortuous diplomacy of Mr. Seward may have had some influence in inspiring such designs. The desire to weaken the confederacy, to exhibit it to the world as "a rope of sand," without consistence or cohesion, and therefore not worthy of recognition as an independent member of the family of nations, would afford ample motives for the adoption of such a course by the cabinet of the United States, which is driven to a diplomacy of expedients in the desperate effort to avert the impending doom which awaits the party now in power in Washington.

One other suggestion occurs to me, which you may receive as purely conjectural on my part. It is known to me personally that at the date of the annexation of Texas to the United States, Mr. Dubois de Saligny, the present French minister in Mexico, and who was at that time French chargé d'affaires to the republic of Texas, was vehemently opposed to the annexation, and was active in endeavoring to obstruct and prevent it. Even at that date the despatches of Mr. Guizot, which I had an opportunity of reading, were filled with arguments to show that the interests of Texas were identical with those of France, and that both would be promoted by the maintenance of a separate nationality in Texas. The intrigue now on foot, therefore, accords completely with a policy in regard to Texas that may be almost said to be traditional with France; and it is not impossible that the movement of the consular agents here has received its first impulse from the French legation in Mexico, instead of the cabinet of the Tuilleries.

These movements are not considered as having the slightest importance so far as their effect on Texas is concerned. The answers of Governor Lubbock and the letter of Mr. Oldham will satisfy you how little those gentlemen were disposed to encourage such attempts, while the popular feeling in Texas is best

evinced by the fact that she has seventy regiments of *volunteers* in our army. But the evidence thus afforded of a disposition on the part of France to seize on this crisis of our fate as her occasion for the promotion of selfish interests, and this too after the assurances of friendly disposition, or, at worst, impartial neutrality, which you have received from the leading public men of France, cannot but awaken solicitude; and the president trusts that you will use every effort to discover the source, extent, and designs of these intrigues, and whether the United States are parties to them. It may perhaps be in your power to make use of this discovery also by awakening the British government to a sense of the fact that designs are entertained of which that government is not probably aware, and which it may be unwilling to see accomplished.

An enlarged and generous statesmanship would seem to indicate so clearly that the establishment of southern independence on a secure basis (and with a strength sufficient to counterbalance the power of the United States as well as to prevent extensive French colonization on our southern border) would promote the true interests of Great Britain, that we find it difficult to account for her persistent refusal to recognize our independence. The knowledge of a secret attempt on the part of France to obtain separate advantages of such vast magnitude may perhaps induce a change in the views of the British cabinet. I speak of the attempt as secret, for it is scarcely possible to suppose that the action of the French agents is taken with the concurrence or connivance of the British government. If you come to the conclusion that these conjectures are well founded, you are at liberty to make known to her Majesty's government the facts herein communicated, either through the British minister at Paris or by concert with Mr. Mason. It is deemed desirable that in either event you should advise Mr. Mason of the course you may adopt, as it is very probable that the English government will learn from Richmond the fact of the expulsion of the consuls, and the cause of the action of this government, which, from its very nature, is accompanied with some degree of publicity.

I enclose to Mr. Mason, for his information, a copy of this communication.

Your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Hon. JOHN SLIDELL, *Commissioner, &c., &c., Paris.*

OCTOBER 20, 1862.

P. S.—Since the foregoing was written I have had an interview with Mr. Tabouelle, and from the explanations offered by him, and certain facts which have come to my knowledge, I have become satisfied that, notwithstanding the singular coincidence between his conversation with Mr. Oldham and the communication of Mr. Théron to Governor Lubbock, there was no concert of action between them, and that Tabouelle is no party to the intrigue referred to. The order for his expulsion has been therefore revoked, as you will perceive by the annexed copy of a letter to him, marked E.

It is barely possible, though I think not probable, that Théron may have acted on his own ideas of what he supposed would be agreeable to his superiors, and not in consequence of instructions. The whole matter is one of great delicacy, and I must leave it to your own discretion how best to treat it, after endeavoring to satisfy yourself whether Théron's movements were dictated by the French cabinet.

Very respectfully, your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

[Private and confidential.]

EXECUTIVE DEPARTMENT,
Austin, Texas, September 11, 1862.

SIR: I have the honor to forward for your consideration the enclosed copies of letters, the one (marked A) from the French and Spanish consul at Galveston, the other (marked B) being my reply thereto.

As the proceeding of the said consul would seem to indicate an incipient intrigue, I have deemed it proper to advise you thereof on the threshold.

I have the honor to be, with great respect, your obedient servant,

F. R. LUBBOCK.

His Excellency JEFFERSON DAVIS,
President, &c., Richmond, Va.

—
A.

[Confidential.]

Consulate Agency for France and Vice Consulate for Spain in Galveston

GALVESTON, August 18, 1862.

SIR: Will you be kind enough to inform me *confidentially* of your personal opinion on the following questions:

1st. The annexation of the republic of Texas to the United States was or was not a good political measure?

2d. The act of disunion and of the junction of the State of Texas to the southern States was or was not another good or bad politic taken by the State? and

3d. The re-establishment of the old republic of Texas will or will not be beneficial to our beloved adopted country?

Your answer to these questions, sir, will serve me as a guide in my political correspondence with the governments which I have the honor to represent.

I have the honor, sir, and with very much respect, to be your obedient servant,

B. THERON,
French and Spanish Consul.

His Excellency F. R. LUBBOCK,
Governor of the State of Texas.

I certify the above and foregoing to be a true copy of the original now on file in the executive department at Austin, Texas.

JAMES PAUL, *Private Secretary.*

—
B.

EXECUTIVE DEPARTMENT,
Austin, Texas, Sept. 9, 1862.

SIR: Your communication of 19th ultimo is before me, and contents duly noted.

In answer to your first interrogatory, permit me to say that the annexation of Texas to the United States was a good political measure.

As to your second question, I answer most emphatically that "the act of disunion and of the junction of the State of Texas to the southern States was a good and proper political step."

In reply to your third inquiry, I have to say "the re-establishment of the old republic of Texas will not be beneficial to our beloved adopted country."

Texas has linked her fate with that of her sisters of the south. She will be true, steadfast, and victorious.

I have the honor to be yours, very respectfully,

F. R. LUBBOCK.

B. THERON, Esq.,

French and Spanish Consul, Galveston.

True copy of the original.

JAMES PAUL, *Private Secretary.*

—
B.

RICHMOND, *October 13, 1862.*

SIR: On to-day Mons. Tabouelle, French vice-consul at Richmond, sought an introduction to me in the senate chamber, and stated that he desired to obtain from me certain statistical information in regard to Texas. I told him that I did not then have the time to give him the desired information, but if he would call at my room I would take pleasure in giving him any information which I possessed. He promised to call this evening, which he did, and has just left my room. I deem it proper to give you the substance of the conversation between us, as it had a connexion with the subject-matter of the correspondence between the governor of Texas and the French consular agent at Galveston, of which you advised General Wigfall and myself a few days since.

After I had furnished him with information in regard to the area, population, debt, taxes, and agricultural productive capacity of Texas, he remarked that the resources of the State were magnificent, and capable of supporting a *powerful and independent people*, and then asked me *whether I thought it would not be to the interest of the State to assume an independent nationality*. I told him that the people of Texas, being mostly emigrants from the old southern States, were strongly attached to those States and to our federative system of government, which I at some length explained to him. I told him that they never could have been induced to secede from the United States but to preserve that form of government, which was in danger of being destroyed. I further stated to him that not only the affections and sympathies, but also the interests of the people of Texas bound them to the States of the confederacy; that their institutions, pursuits, and agricultural products were the same, and that mutual safety required harmony amongst them, which could only be insured by a confederacy; that as a separate and independent State Texas would be weak and incapable of self-defence; that we were sensible that we would be subject to be involved in collisions with our sister southern States; that the similarity of institutions and production, which are now bonds of union and the cause of harmony, would become causes of rivalries, jealousies, and perhaps wars between the States; that in the confederacy we would not be a weak and dependent people, incapable of resenting insult or repelling aggression. The subject was then waived, and we talked of other matters.

But for the fact you had called my attention to the correspondence between the governor of Texas and the French consular agent at Galveston, this conversation would perhaps have made no impression upon my mind; but as an introduction to me was sought by the vice-consul, with the view to obtain statistical information in regard to Texas, and the subject of the separate independ-

ence of that State was thus introduced by him, it struck me that it was not casual or accidental. He furthermore stated to me that he had written to the consular agent at Galveston for information upon the resources of Texas, and had received from him a specimen or sample of Texas wool which he either had or intended to send to France.

I have deemed it proper to communicate the foregoing to you, as affording confirmatory evidence to the conclusion that it is the object of Louis Napoleon, and perhaps of other of the European powers, to induce Texas to assume an independent nationality. The fact communicated by you to General Wigfall and myself put me on my guard, and caused me to be more explicit and specific than I might otherwise have been, for the purpose of dissipating such a design if it exists, and to induce whatever steps that may be taken to be for the benefit of the entire confederacy.

I am, sir, respectfully, your obedient servant,

W. S. OLDHAM.

His Excellency JEFFERSON DAVIS, *President, &c.*

—
C.

Mr. Benjamin to Mr. Théron.

DEPARTMENT OF STATE,

Richmond, October 17, 1862.

SIR: The governor of Texas has communicated to the president a correspondence between him and yourself, in which you plainly attempted to induce the governor to enter into some understanding or arrangement for the withdrawal of Texas from this confederacy. This attempt on your part is considered by the president as an abuse of the hospitality of the confederacy, and as indicating hostility on your part to this government and people.

Your presence within the confederacy can no longer be permitted. You are therefore required to depart immediately, and not to return without the previous permission of this government.

I am, respectfully, your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Mr. B. THERON,

French Consular Agent, and Vice-Consul for Spain, Galveston, Texas.

—
Mr. Benjamin to Major General Magruder.

DEPARTMENT OF STATE,

Richmond, October 17, 1862.

SIR: Herewith you will find enclosed a letter addressed to Mr. B. Théron, French consular agent and vice-consul for Spain at Galveston, Texas, requiring that functionary to depart immediately from the confederacy.

The president requests that you will have this order executed as promptly as can be done without undue harshness, and that you have Mr. Théron conveyed under surveillance to Matamoros, or other convenient point on the Mexican frontier, whence he can depart for Europe if he chooses.

Mr. Théron will be allowed to make such disposal of the books and papers of his consulate as he may deem proper.

Please acknowledge receipt of this communication.

Your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Major General J. B. MAGRUDER, *Spottswood Hotel.*

D.

*Mr. Benjamin to Monsieur Tabouelle.*DEPARTMENT OF STATE,
Richmond, October 17, 1862.

SIR: The honorable Mr. Oldham, senator from the State of Texas, having communicated to the president the substance of a conversation held with you on the 13th instant, in the course of which you sought to impress on that senator the conviction that it would be for the interest of the State of Texas to separate herself from this confederacy, I am instructed by the president to inform you that your presence within the confederacy can no longer be permitted, your conduct being considered hostile to this government and people.

You are therefore required to depart from the confederacy, and not to return without the previous permission of this government. You will prepare to leave by the flag-of-truce boat, which will depart on the 18th instant.

I have the honor to be your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Monsieur TABOULLE,
Vice-Consul of France, Richmond.

—

E.

DEPARTMENT OF STATE,
Richmond, October 18, 1862.

SIR: I have seen the president since my interview with yourself and Mr. Giles this morning, and having taken into consideration your explanations in relation to your interview with Mr. Oldham, and the other facts stated by you, the president is satisfied that your conversation with Mr. Oldham was not prompted by any hostility to this government, and that you are not connected with the intrigue known to exist having for its object to induce the withdrawal of the State of Texas from this confederacy. You will therefore consider the order to depart from the confederacy as withdrawn, and you will remain at liberty to reside here as heretofore.

Your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Monsieur TABOULLE,
at French Consulate, Richmond.

—

Mr. Benjamin to Mr. Slidell.

No. 8.]

DEPARTMENT OF STATE,
Richmond, October 28, 1862.

SIR: Since writing my No. 7, of 17th and 20th instant, I have received from the hands of Mr. Fearn (who arrived on 25th instant) your No. 10, of 25th July, with its very interesting reports of your interviews with the Emperor of the French and Mr. Thouvenel. I had previously received (on 21st instant) your private letter of 18th September, forwarded through Mr. Mason, this last having reached me in a shorter time than any communication hitherto had with Europe, and demonstration the great value of the new means of intercourse

now opened and which we hope to maintain. Mr. Mason will explain to you the details of the new arrangement, and your best course will be to forward your future despatches through him.

The voluminous contents of your despatch and that of Mr. Mason have prevented their communication to the president, with whom I desire to confer before answering you. The president is for the moment deeply engaged in military matters, and in endeavors to repair by new combinations the evils resulting from the failure of the Kentucky campaign, which has eventuated in none of the happy consequences which we so confidently hoped. The only gain has been the capture of a very large amount of supplies.

I have no time to add anything by this conveyance, but another opportunity will offer in a few days for a full despatch.

I am, very respectfully, your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Hon. JOHN SLIDELL, *Sec., Sec., Sec., Paris.*

P. S.—Mrs. Davis begs me to say that she anticipates with eagerness the promised letter from your daughter, which has not yet reached Richmond.

Mr. Benjamin to Mr. De Leon.

No. 2.]

DEPARTMENT OF STATE,

Richmond, December 13, 1862.

SIR: I avail myself of an unexpected opportunity to acknowledge receipt of your Nos. 1 and 2. They have been read with lively interest, and you will not fail to keep the department fully advised of your conclusions as to the probable action of European powers as fast as their views are developed, either through the press or other agencies.

The president has been so fully occupied with military matters that it has been scarcely possible for me to confer with him at length on the matters suggested by you, and he has just departed very suddenly for a tour in the southwest, where his presence was greatly needed to restore affairs and to impart renewed energy and activity to our military operations.

On his return I will take measures to forward you additional means to enable you to extend the field of your operations, and to embrace, if possible, the press of central Europe in your campaign. Austria and Prussia, as well as the smaller Germanic powers, seem to require intelligence of the true condition of our affairs and of the nature of our struggle, and it is to be hoped you may find means to act with efficiency in moulding public opinion in those countries.

When I send you a remittance, on the return of the president, (at the end of this month,) I will give you my views more at large.

The bearer of this goes in part to complete arrangements for more prompt communication, and I hope that for the future my despatches will reach Europe more regularly and promptly.

Your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

EDWIN DE LEON, Esq.,

Care of Hon. John Slidell, &c., Paris.

Mr. Benjamin to Mr. Mason.

[Duplicate]

No. 7.]

DEPARTMENT OF STATE,
Richmond, September 26, 1862.

SIR: Since my No. 6, of 19th July, I have received three communications from you, (not numbered,) all of which arrived on the 25th August. I also received duplicate of your No. 11, of May 16.

To your general despatch of June 23 the number 12 has been affixed. To another despatch of same date, in relation to a newly invented gunpowder, the number 13 has been affixed; and to your despatch of June 24, in relation to counterfeit issues of the confederate treasury notes and other southern paper currency, the number 14 has been affixed. I pray you to make your own numbers conform to these, and to notify your secretary of this oversight, that it may not be repeated.

Your Nos. 4, 5, 6, 7, and 8 are still missing, and, for the regularity of the archives of the department, I beg you to forward duplicates of them.

[Here the body of this despatch to Mr. Mason is precisely the same with that addressed to Mr. Slidell, under date of Richmond, September 26, 1862, as above printed. It concludes as follows:]

I enclose you, for information, copy of a despatch sent to Mr. Mann on the subject of a recent convention between the United States and the King of Denmark relative to Africans captured from slavers at sea. It may be well to have an eye to the movements of the enemy in the disposal of slaves captured from our people, and you will perceive by the instructions to Mr. Mann what are the president's views on this interesting matter.

I must again request of you to have communicated to Mr. Mann a copy of that part of this despatch which relates to the war and present state of the country, as it is out of my power to write to him by this conveyance.

I am, sir, respectfully, your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Hon. JAMES M. MASON, &c., &c., &c., *London.*

Mr. Benjamin to Mr. Mason.

No. 8.]

DEPARTMENT OF STATE,
Richmond, October 23, 1862.

SIR: Since my No. 7, of 26th ultimo, I have had the pleasure of receiving your Nos. 14, 15, 16, and 17, dated, respectively, 30th July, 5th August, 18th September, and 18th September. The two latter were received by special messenger, who reached Richmond on the 21st instant. The two former were delivered by Mr. Fearn, who did not arrive till 25th instant.

The contents of Nos. 14 and 15 are so voluminous, (and they were accompanied by others of equal bulk from Mr. Slidell,) that I have not yet been able to confer with the president in relation to them, and shall therefore defer replying, the more especially as I shall have another opportunity of forwarding despatches in a very few days.

The arrangements made by the bearer of despatches 16 and 17, for facilitating intercourse between us, have been approved, and will be continued as long as successful. The details will be explained to you by the bearer of this despatch, (Mr. George Sanders,) in person.

The subject of a loan, based on cotton certificates, has been fully considered,

and you will receive herewith a communication from the secretary of the treasury informing you of the conclusions reached by us after much deliberation. I communicated to the secretary your tender of services in connexion with this matter, and he requests me to express his thanks and to solicit your aid and co-operation in any movements that may be made to secure success by Mr. Spence, to whom the government has confided the business, in consequence chiefly of your recommendation. He had been appointed to take charge of other negotiations before the receipt of your last despatches.

The president desires me to express his approval and satisfaction with your conduct in assuming, under the circumstances, the responsibility of making the arrangements necessary for the success of Captain Sinclair in his arrangements for building a ship.

It is gratifying to perceive that you had, as was confidently anticipated, reviewed your impressions, and determined not to withdraw from London without the previous instructions of the president. Your correspondence with Earl Russell shows with what scant courtesy you have been treated, and exhibits a marked contrast between the conduct of the English and French statesmen now in office, in their intercourse with foreign agents, eminently discreditable to the former. It is lamentable that, at this late period in the nineteenth century, a nation so enlightened as Great Britain should have failed yet to discover that a principal cause of the dislike and hatred towards England, of which complaints are rife in her Parliament and in her press, is the offensive arrogance of some of her public men. The contrast is striking between the polished courtesy of Mr. Thouvenel and the rude incivility of Earl Russell. Your determination to submit to these annoyances in the service of your country, and to overlook personal slights, while hope remains that your continued presence in England may benefit our cause, cannot fail to meet the warm approval of your government. I refrain, however, from further comment on the contents of your despatches till the attention of the president, (now concentrated on efforts to repair the ill effects of the failure of the Kentucky campaign,) can be directed to your correspondence with Earl Russell.

I am, sir, your obedient servant,

J. P. BENJAMIN, *Secretary of State.*

Hon. JAMES M. MASON, *Sec., Sec., Sec., London.*

CORRESPONDENCE OF CONFEDERATE TREASURY AND NAVY DEPARTMENTS.

Mr. Memminger to Mr. Mason.

[Duplicate.]

TREASURY DEPARTMENT, C. S. A.;

Richmond, October 24, 1862.

SIR: The cotton certificate forwarded in your despatch to the secretary of state has been carefully examined, and, upon due consideration of the views expressed by you, and the probable ability of the government to furnish cotton, a form of certificate has been adopted somewhat differing from yours. The differences are several.

1. In price. It has been deemed best to fix this at five pence sterling. This form of stating the price has been adopted in preference to cents, because it expresses the rate to be paid for the cotton here, in a currency which is understood to carry a right to its value in London. Thus, five pence sterling would imply a right to receive that amount in London, or so much of our currency as would be required to purchase five pence sterling. At the present rate of

exchange, this would amount to twenty-five cents. It is thought that this would not be too high a price to demand.

2. The cotton is made deliverable at certain ports instead of any port at the option of the holder. This change is required by the fact that most of our cotton is at the west; and if a large portion should be required a tan Atlantic port, it would be impossible to perform the contract. It is, therefore, proposed to issue separate certificates for the Gulf and Atlantic ports in such amounts as can be delivered at each.

3. The certificates are demandable only after peace, and within six months thereafter. It would be impossible to transport the cotton to any great amount until that period. To provide, however, for such cases as might desire to run the blockade, it is proposed that for some premium, to be adjusted by yourself, you should place in the contract an additional clause as follows, which you are authorized to add:

“The government further agrees to deliver the cotton called for in this certificate at any time during the pending war, at any port within its possession, (if practicable to transport the cotton to the port selected,) upon the payment by the holder of the cost of transportation.”

4. In case, by accident or otherwise, the holder should omit to make his demand within this period, the certificate is not forfeited, but the government has the option to deliver the cotton or return the amount paid, say one thousand dollars, with interest at six per cent. from the issue of the certificate.

5. An additional formality is added in requiring your indorsement. This addition has been made to guard against capture or loss of the certificates on their way to Europe, and also to give an official supervision there.

I now send, by Mr. G. N. Sanders, one thousand certificates for the Gulf ports and five hundred for the Atlantic. In order to have the payments put in proper, form you had better deposit the certificates with our depositaries, Messrs. Fraser, Trenholm & Co., at Liverpool, directing them to receive the money and deposit the same to the credit of the treasurer of the Confederate States. This will place matters in a business form, and relieve you of the necessity of keeping accounts.

In order that you may act understandingly, permit me to apprise you of such financial arrangements as have already been made.

At your suggestion, I have appointed Mr. James Spence, of Liverpool, financial agent, and have requested him to negotiate for the sale of five millions of dollars of our eight per cent. bonds, if he can realize fifty per cent. on them. I have already sent over two millions of the bonds, and will send another million in a week or ten days. Mr. Spence is directed to confer with Messrs. Fraser, Trenholm & Co., who had previously been made our depositaries at Liverpool. Had I known with certainty where you were I would also have referred him to you, and I would thank you now to place yourself in correspondence with him.

I have also directed Mr. Spence to endeavor to negotiate for the application of two and a half millions of coin (which I have here) for the purchase of supplies and munitions for our army. I hope that this coin will be accepted by British houses in payment at the rate of sterling in England, less freight and insurance. It seems to me that, upon its transfer to British owners, they could obtain transportation for it on their vessels-of-war from any confederate port, inasmuch as it would be *bona fide* British property, and in any event the holder of the transfer would have a certain security.

A difference has been made by our congress in some of its appropriations for the navy. Those for building vessels are payable in bonds. It follows, therefore, that a discrimination must be made in the application of funds from the different sources of revenue, of which you will take notice.

Under the act of Congress authorizing me to accept produce in exchange for

bonds, (of which I enclose a copy,) I have procured a considerable amount, which is stored on plantations or in warehouses. I send you a copy of one of the certificates taken for the cotton. These certificates it is proposed to offer for sale in Europe. They would give to the purchaser an absolute right to the particular lot of cotton, with the privilege of shipping the same, and may be preferred by some purchasers.

In conclusion, allow me to request your co-operation in these various plans, and any suggestions which your experience and observation may deem proper.

Respectfully, your obedient servant,

C. G. MEMMINGER,

Secretary of the Treasury.

Hon. J. M. MASON,

Commissioner Confederate States, London.

AN ACT to authorize the exchange of bonds for articles in kind, and the shipment, sale, or hypothecation of such articles.

SEC. 1. *The Congress of the Confederate States of America do enact*, That the secretary of the treasury be, and he is hereby, authorized to exchange the bonds or stocks of the Confederate States for any articles in kind which may be required for the use of the government, the said articles to be valued according to such regulations as the said secretary shall make.

SEC. 2. It shall be the duty of the commissary and quartermaster generals to direct their various officers to receive, at the place of purchase, all such articles purchased as are applicable to their several departments, and to apply the same in the same manner as if purchased directly by themselves; and the officer to whom each article is delivered shall be charged with the value as declared by the purchase, and shall be bound to account for the same.

SEC. 3. The said secretary is also authorized to accept, for the use of the government, in exchange for the said bonds or stock, cotton, tobacco, and other agricultural products in kind, which have been subscribed to the produce loan, or which may be subscribed in kind, at such rates as may be adjusted between the parties and the agents of the government: *Provided*, That, in no event, shall he receive of cotton or tobacco a greater value than thirty-five millions of dollars; and the said secretary is further authorized to deposit the same at such places as he shall deem proper, and to procure advances thereon by hypothecation, or to ship the same abroad, or to sell the same at home or abroad, as he may deem best; and to assist these operations the said secretary may issue produce certificates, which shall entitle the party to whom issued, or his indorsee, to receive the produce therein set forth, and to ship the same to any neutral port in conformity with the laws of the Confederate States.

SEC. 4. The secretary of the treasury may, from time to time, appoint and dismiss such agents as he may deem requisite to carry into effect the provisions of this act. Their compensation shall be a brokerage upon the business completed by them at such rates as the secretary of the treasury shall adjust by general regulation.

SEC. 5. The secretary of the treasury may, from time to time, issue regulations for carrying out all the details involved in the provisions of this act, which shall be obligatory upon all parties concerned therein.

Approved, April 21, 1862.

Confederate States of America.

\$1,000 BOND.

Cotton certificate.

No. _____.

This is to certify that _____, of _____, is the proprietor of twenty bales of cotton of 10,000 pounds weight, rating New Orleans middling at five pence sterling, which shall be delivered by the government of the Confederate States of America to _____, or order, at the port of Charleston or Savannah, subject only to charges for compressing, putting on board ship, and existing government dues, the latter not exceeding one-eighth of one cent per pound.

The cotton will be delivered as soon as demanded by the holder of this certificate, upon the government receiving thirty days' notice of such demand. The demand must be made within the six months after the declaration of peace between the present belligerents in America; in default of a demand within that period, this certificate may be discharged by payment of one thousand dollars, with interest, at the rate of six per cent. per annum, from the date of issue indorsed hereon.

This certificate will confer no right until verified and indorsed by the commissioner of the Confederate States in Great Britain.

In testimony whereof, the register of the treasury hath hereunto affixed his name and the seal of the treasury department, at Richmond, this first day of November, 1862.

_____, *Register of Treasury.*

Copy of "produce certificate."

[Here enter the weight of the bales only, and their marks.]

42 bales good ordinary cotton, marked C. S. A., and 15 bales middling cotton, of same mark.

Good ordinary.		Middling.	STATE OF MISSISSIPPI, <i>County of Madison.</i>
<i>Pounds.</i>	<i>Pounds.</i>	<i>Pounds.</i>	
461	463	455	[Town, or post office, Canton.]
437	515	515	
442	488	500	
462	458	488	
428	490	461	
505	479	490	
388	458	422	
508	460	448	
451	442	451	
443	423	458	
438	467	450	
457	468	465	
476	478	451	
443	461	483	
440	437	461	
495	432		
466	466		
433	453		
454	453		
453	9,685		
458	9,538		
9,538	19,223	6,995	

57 bales. Aggregate weight, 26,218,
at 8½, \$2,294 07.

CANTON, August 6, 1862.

The undersigned, as agent of the government, certifies that the within cotton has been examined by him, and that its character will rank according to the commercial scale as middling and good ordinary, and also that the weights and marks are as described—the cotton being in good merchantable order and safely stored in a covered building.

The undersigned certifies that the price agreed upon is a fair market price at the present time.

WILL. G. BAILEY.

CONFEDERATE STATES OF AMERICA,
Treasury Department, ————, 186—.

This is to certify that the within and above described cotton has been sold to _____, and delivery is hereby ordered to be made to him or his order, with license to export the same from the Confederate States to any neutral port, on complying with the requisitions of the law.

Given under my hand and the seal of the treasury department on the year and day above mentioned

Secretary of the Treasury.

Mr. Memminger to Mr. Mason.

[Triplicate.]

TREASURY DEPARTMENT, C. S. A.,
Richmond, October 25, 1862.

DEAR SIR: Your letter of 1st August, enclosing triplicate of yours of the 22d April last, is just received. That of 22d April is now for the first time received, and this fact will excuse the seeming neglect to Mr. James Smith, of Glasgow, in returning him a bond for his investment of £100. The sterling is now worth 150 per cent. premium, which makes the bill for £100 worth in dollars \$1,100; for which sum a certificate of government stock has been issued in favor of Mr. James Smith, and will be retained in this department, subject to his order, and a bill drawn for the £100.

Your letter of the 1st August also advises of the desire of Mr. James Brown, of Edinburg, to contribute twenty-five pounds sterling. I have made the same arrangement for this amount, and have directed a certificate of stock to be issued in his name for \$250, as we cannot issue for fractions of less than fifty dollars. This certificate will be retained, subject to his order, and a bill drawn for the £25.

Respectfully, your obedient servant.

C. G. MEMMINGER,
Secretary of the Treasury.

Hon. J. M. MASON.

Commissioner Confederate States, London.

Mr. Mallory to Mr. Mason.

[Duplicate.]

CONFEDERATE STATES OF AMERICA,
Navy Department, Richmond, October 26, 1862.

SIR: Your letter of the 18th ultimo reached me a few days ago. Without your advice and effectual assistance the enterprisé for which Lieutenant Sinclair has been selected must have been indefinitely deferred, and you have my cordial thanks for your action therein. Your stipulations in behalf of this department are fully indorsed, and will be promptly fulfilled.

The treasury has under consideration your suggestions as to cotton bonds, and Mr. Benjamin will advise you of the modifications of the form transmitted by you which Mr. Memminger deems necessary.

The speedy completion and departure of Mr. Sinclair's work I regard of so much importance that I must invoke your further aid, should he require it, to enable him to raise funds for the purpose of which I have advised him, and the repetition of which here I deem inexpedient.

The courier who brought your despatches found a means of communication whose safety justifies their further use, and Mr. Benjamin will probably advise you thereof. The completion of the contract of this gentleman will place a peculiar class of ships, never before constructed, upon the sea in our service; and I shall regret if the treasury department shall fail to make such arrangement as will enable him to accomplish this important enterprisé.

I have the honor to be, very respectfully, your obedient servant,

S. R. MALLORY, *Secretary of the Navy.*

Hon. JAMES M. MASON,

Commissioner, &c., No. 54 Devonshire street, Portland Place, London.

It seems that previous to the departure of Mr. George N. Sanders for Europe certain legislation of the confederate congress, which had been proposed in the matter of contracting for the construction of iron-clad ships in Europe, encountered the opposition of that gentleman. The following memorandum from him on this subject is found among the intercepted papers. Addressed to "Reid Sanders," it was probably placed by the latter in the hands of Mr. Memminger or Mr. Mallory, respectively, the secretaries of the confederate treasury and navy:

RICHMOND, *August 5, 1862.*

Any legislation in regard to the construction of iron-clad steamers until time is given me to get mine under way will be very unjust. My detention here was necessary to the perfection of the contracts, which took much time and reflection. The final instructions of the Navy Department have been issued but a few days. Bunglers entering the European market might endanger the entire scheme. Great skill and diplomaey must be exercised to avoid the interference of European governments.

No one is entitled to my suggestions until full time is given me to carry them out.

GEORGE N. SANDERS.

REID SANDERS.

To this is added by Sanders the following list of names, consisting of persons connected with the confederate administration and congress. Several of the names, it will be seen, have a cross prefixed to them, intimating probably that they already favored his views, or

needed to be still further approached on the subject. This supposition is, however, purely conjectural. The list is as follows, in G. N. Sanders's handwriting :

President Davis,		Secretary Mallory,
Vice-President Stephens,		P. M. G. Reagan,
†Simms,	†Breckinridge,	Boyce,
Burnett,	†Conrad,	†Garnett,
Hunter,	Elliot,	Miles,
Henry,	†Read,	Wright, of Tenn.,
†Brown, of Miss.,	Matchen,	Haskin,
†Orr,	Bruce,	Lyons,
Johnson,	Cooke,	†Foote,
Wigfall,	†Bocock,	†Pugh.
†Clarke,		

The following unsigned letter is also found among the captured papers :

SIR: As I contemplate leaving here without loss of time for Europe, for the purpose of rendering important and valuable service to the confederacy, I deem it proper to recommend to you the necessity of my having the co-operation of Commodore Forrest in the plans which have been suggested to you. He is an officer of experience, and well qualified to lend important assistance which may result in the complete realization of my hopes and expectations; indeed, if Commander Sinclair could also accompany me, or be sent out to give his attention to matters connected with the plans I have in contemplation, I am satisfied that with the professional knowledge of these gentlemen we cannot fail to subserve our interests and render high and important service to our cause, both in superintending and constructing the vessels built to cut up the enemy's commerce.

I have the honor.

Hon. S. R. MALLORY,
Secretary of the Navy.

The following memorandum appears to be in the same handwriting with the above letter, though much disguised or very carelessly written :

Gabreath & Co., of Scotland, and W. S. Lindsay & Co., of London, are the houses with whom I had the negotiation about the steamers. I request Captain Sinclair, of the confederate navy, to make all preliminary arrangement for the contract by my return. (See him first,) he will meet you in London.

George Thompson & Co., Glasgow, will make proposals for the construction of at least one steamer. They have the drawing and estimates complete.

Lindsay & Co. will negotiate the naval store bonds.

B. Rice & Co. may undertake enough to load one vessel (Nova Scotia) with shoes and clothing under the North Carolina contract. Turpentine 100 should bring per gallon \$2, rosin should bring \$5 \$4 bring \$8.

C. S. NAVY DEPARTMENT,
Richmond, October 27, 1862.

SIR: I have the honor to call your attention to the copy of the secret joint resolution of congress, which was sent you on Saturday, and to so much of my recommendation to congress upon the subject of the act as shows the basis upon which it was passed, copy of which was also sent you on Saturday.

Under this authority, contracts have been made with Mr. George N. Sanders

by this department for six ships, to be paid for in cotton, a copy of which contract is herewith enclosed.

Mr. Sanders informs me that if the government will fix the price of the cotton to be delivered, he can execute his contract, and not otherwise; and deeming the ships important to the public interest, I suggest for your consideration the expediency of stating the price, and of pursuing, with reference to payment in cotton for these ships, the course you have adopted with regard to the cotton bonds.

I am, respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

Hon. C. G. MEMMINGER,
Secretary of the Treasury.

—
Mr. Memminger to Mr. Mallory.

CONFEDERATE STATES OF AMERICA,
Treasury Department, Richmond, October 30, 1862.

SIR: I approve the suggestion made by you of making your contract for building iron-clad vessels in Europe conform to the arrangements of the cotton certificates sent to the Hon. J. M. Mason. I enclose a form of each of these certificates. Upon the meeting of congress an appropriation must be made to meet your contracts, and the terms can then be altered so as to conform to the mode of payment to the cotton certificates, fixing a price for the cotton, and providing for the delivery at any port upon adding the charges of transportation. The only limit to these combined operations will be the quantity of cotton which the government can purchase, which I hope will be found ample.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

[The "cotton certificates" enclosed in the foregoing letter are the same as those printed above.]

—
Mr. Mallory to Mr. Mason.

CONFEDERATE STATES OF AMERICA,
Navy Department, Richmond, October 30, 1862.

SIR: Mr. Sanders has, as you are aware, contracted with this department for the construction in England of six iron-clad steamers, combining the capacities of the freighting and the fighting ships in a manner which will enable them to force the blockade of our ports.

The interests of the country will be much benefited by the prompt construction of these vessels; and I beg leave to invoke your interest, not only in behalf of our enterprises already in progress, but in behalf of this also.

The secretary of the treasury has this day addressed to me a note upon the subject of the cotton to be delivered in liquidation of these contracts, and I enclose herewith a copy.

I have the honor to be, very respectfully, your obedient servant,

S. R. MALLORY,
Secretary of the Navy.

Hon. JAMES M. MASON,
Commissioner of the Confederate States to Great Britain, London.

[Duplicate.]

TREASURY DEPARTMENT, C. S. A.,
Richmond, October 21, 1862.

GENTLEMEN: The enclosed letter to Mr. James Spence is sent to you for your guidance and consideration.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

Messrs. FRASER, TRENHOLM & Co.,
Liverpool, Great Britain.

—
Mr. Memminger to Mr. Spence.

[Duplicate.]

CONFEDERATE STATES OF AMERICA,
Treasury Department, Richmond, October 21, 1862.

SIR: As you have been appointed financial agent for the Confederate States, and Messrs. Fraser, Trenholm & Co. are its depositaries under our law, I desire that you would confer together on the matter submitted by this letter.

I have on hand gold and silver coin, (chiefly the former,) two and a half millions of which I desire to apply in payment of articles purchased in England by our agents for the use of the confederate government. We find it impossible to purchase a sufficient amount of exchange for these purposes, and the small amount to be had is at such high rates that it would be desirable to furnish a substitute. I propose, therefore, to make payment for purchases by a transfer to the creditor of so much of this coin as may be requisite. I presume that when the coin thus becomes *bona fide* the property of a British subject, that the British government would, at his instance, permit any of its vessels to bring over the same for him. If this expectation be realized, the coin here would be as valuable as exchange, and in England would probably realize its mint value, less freight and insurance.

To enable you to carry out any arrangement you may deem advisable, Messrs. Fraser, Trenholm & Co. are authorized to make an absolute transfer of the coin, or to draw bills for the same on E. C. Elmore, esq., treasury, payable here, and a copy of this letter is sent to each of you that you may act in concert, and give us the benefit of your united counsel.

I am remitting, by opportunities as they occur, the bonds of the Confederate States, the proceeds of which, when sold, are intended to be applied to the contracts, of which you have been advised.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

JAMES SPENCE, Esq.,
Liverpool, Great Britain.

—
Mr. Memminger to Messrs. Fraser, Trenholm & Co.

[Duplicate.]

TREASURY DEPARTMENT, C. S. A.,
Richmond, October 24, 1862.

DEAR SIR: Your letter of July 21 is just received, advising sales per "Economist," and balances to the credit of the Confederate States of £7,121 19s. 11d., and £322 8s. 9d. All these credits, with all other remittances

from this department, you will place to the credit of the treasurer of the Confederate States, subject to his draft. The course of business at the treasury is to draw on the depositaries in favor of third parties. When these parties are creditors, the payment to them being vouched, ends the matter. When the third party is merely a disbursing officer of the government, the effect of the treasurer's draft on the depositary is to transfer the amount to the credit of the disbursing officer, on which he may check at pleasure, he having to account at the treasury for the whole amount.

So, too, when bills of exchange, or any other remittances, are forwarded to you by the secretary of the navy or of war, they are not to be credited to the treasurer, but to the officers directed by such secretaries, and your account must be rendered to them and not to this department.

At the suggestion of our minister to England, I propose to issue cotton certificates, of which I send you a specimen. When countersigned by him, he will deliver them to you to receive the money to be paid for them. You will take care that the date in the indorsement corresponds with the date of receiving the money. The proceeds will be deposited to the credit of the treasurer, and it is important that I should be advised of any sales as promptly as possible.

In regard to the payment of the £60,000, mentioned in your letter of July 21st, to Capt. Caleb Huse, I am unable to speak definitely, until I can get sundry details, of which I will advise you in another letter.

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

Messrs. FRASER, TRENHOLM & Co.,
Liverpool, Great Britain

[The cotton certificates enclosed are the same as those quoted above.]

Mr. Memminger to Messrs. Fraser, Trenholm & Co.

TREASURY DEPARTMENT, C. S. A.,
Richmond, October 28, 1862.

DEAR SIR: You will please extend a credit to Major J. B. Ferguson to the extent of five hundred thousand dollars, and give him any assistance in your power to make his purchases for the Confederate States.

I have already informed you and Mr. Spence that I have on hand two and a half millions of dollars in coin, upon which drafts can be made, or which you are authorized to transfer to any parties who may furnish the means to make our purchases. This fund, or any amounts which may be realized upon our bonds will, I trust, enable you to meet the credit herein extended to Major Ferguson, in addition to that heretofore given

Respectfully, your obedient servant,

C. G. MEMMINGER,
Secretary of the Treasury.

Messrs. FRASER, TRENHOLM & Co.,
Liverpool, Great Britain.

Mr. St. John to Mr. Smith.

CONFEDERATE STATES OF AMERICA,
War Department, Nitre and Mining Bureau, Richmond, October 28, 1862.

SIR: The undersigned, for and on behalf of the Confederate States of America, will receive from you shipments of nitre, to be delivered within the limits of said Confederate States, and not to exceed one thousand tons, upon the following terms and rates of payment:

1st. For nitre delivered at any confederate port east of the Mississippi river, seventy-five (75) cents per pound, of ninety per cent. purity, if delivered on or before March 1, 1863.

2d. For nitre delivered as above, but after March 1, 1863, sixty cents per pound, of ninety per cent. purity.

3d. For all nitre delivered as above, at confederate ports between the Mississippi and Rio Grand rivers, fifty cents per pound, of ninety per cent. purity.

It is to be distinctly understood, in connexion with the above stipulation, that all payments thus due are to be made and received in the treasury notes of the Confederate States, or, if preferred, in their bonds; and that the inspection of a duly accredited officer from this bureau shall be final as to the quality of the nitre received, and that inferior qualities, under ninety per cent. purity, shall be paid for at a pro rata valuation.

J. M. ST. JOHN,

Major and Sup. C. S. Nitre and Mining Bureau.

Approved :

J. GORGAS,

Colonel and Chief of Ordnance.

Mr. W^M. K. SMITH, *London, England.*

[With the above letter were enclosed clippings from the Richmond papers relating to the war.]

Mr. Seward to Mr. Adams.

No. 455.]

DEPARTMENT OF STATE,

Washington, January 19, 1863.

SIR: You will learn from the newspapers that General McClelland has attained a very important success in Arkansas. An official despatch from him confirms this information. It is thought that it must result in freeing the west side of the Mississippi from the presence of the insurrectionary forces.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 300.]

LEGATION OF THE UNITED STATES,

London, January 22, 1863.

SIR: I have to acknowledge the reception of despatches from the department numbered from 437 to 444, inclusive. Also, a printed circular of the 3d of January, containing the President's proclamation, and a letter from you of the 5th of January, reporting the latest intelligence from General Rosecrans.

The telegraphic accounts which have come three days later leave us still uncertain as to the precise condition of the retreating forces of the rebels, but, as a whole, the news is regarded here as favorable to our arms. In the mean time, the current of opinion continues to set strongly in favor of the President's proclamation and against the declaration of Mr. Jefferson Davis. The slaughter of the refugees in the wagon train of supply to General Rosecrans's army, the first fruits of that barbarous edict, tends to dispel the notions heretofore so in-

dustriously propagated in Europe of the superior civilization and refinement of slaveholding society. One after the other these wretched fictions are becoming patent to all but those who, from pride or from prejudice, are resolved to seal their eyes against the truth.

I transmit herewith the resolutions of popular meetings held at Chesterfield, in Derbyshire, at Crosshills, at Salford, and at Cobham, all of which I have been requested to forward to the President of the United States. The gentleman who sent the Cobham proceedings, at the same time informed me that he had also presided at meetings in Ersham and Weybridge, at which similar votes had been unanimously adopted, though no instructions had been given to him to forward them.

I learn from a person who was present that last Sunday the Rev. Mr. Spurgeon, in the course of the morning services which he regularly conducts for an assemblage of many thousand people, made an allusion in his prayer to the struggle going on across the water, and invoked the Divine aid in the following words, which were immediately taken down by my informant:

“And now we would offer up a prayer upon a subject to which we have not alluded for some months. Now, oh! God, we turn our thoughts across the sea to the dreadful conflict of which we knew not what to say; but now the voice of freedom shows where is right. We pray thee give success to this glorious proclamation of liberty, which comes to us from across the waters. We had feared our brethren were not in earnest, and would not come to this. Bondage and the lash can claim no sympathy from us. *God bless and strengthen the north! Give victory to their arms,* and a speedy end to fearful strife. As lovers of freedom, let us not belie our calling. Now that we know their cause, we can but exclaim *God speed them.*”

The most remarkable circumstance attending it is that the immense audience, interposing in the course of the prayer, responded to this paragraph by a general Amen.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Accompanying documents.]

1. Address from Salford to the President.
2. Address from Chesterfield to the President.
3. Address from Cobham to the President.
4. Resolutions from Crosshills on the proclamation, in copy of Leeds Mercury, January 20, 1863.

CHESTERFIELD RESOLUTION.

At a public meeting of the inhabitants of Chesterfield, Derbyshire, held in the Market Hall on the 15th day of January, 1863, the Rev. Francis Bishop in the chair, after an address from Mr. W. A. Jackson, a fugitive slave from Virginia, the following resolution was proposed by William Smith, esq., seconded by M. Conual, esq., supported by the Rev. J. P. Fairbourn, and enthusiastically carried by the meeting with only one dissentient:

That this meeting, believing in the great Christian doctrine of human brotherhood, views, with uter detestation, the attempt now being made to found a new

nation on the American continent, of which the barbarous and inhuman institution of chattel slavery is avowedly to be the corner-stone; and that it further expresses its cordial sympathy with the President and government of the United States in their attempt to defeat the above wicked object, and in the emancipation policy upon which they have entered, and the determination they show to root out slavery from their land.

FRANCIS BISHOP, *Chairman.*

SALFORD RESOLUTION.

JANUARY 14, 1863.

At a public meeting held in the large school-room of Windsor Chapel, Salford, the Rev. Thomas G. Lee, pastor, in the chair, the following resolution was unanimously adopted:

Moved by Mr. J. E. Nelson.

Seconded by Mr. E. O. Greening.

Supported by Mr. James Sugden.

Resolved, That this meeting greatly rejoices in the recent proclamation of President Lincoln, decreeing the emancipation of the slaves of the rebellious States of America, and hereby cordially expresses its earnest hope that the federal Union may be speedily restored to peace and prosperity, and forever remain free from the virus and stigma of slavery.

That a copy of this resolution, signed by the chairman on behalf of the meeting, be sent to the President of the United States.

Signed on behalf and by order of the meeting,

THOMAS GARDNER LEE, *Pastor,*
Chairman.

SURREY RESOLUTIONS.

HEATH HOUSE, WEYBRIDGE, SURREY, AND CHAMBER OF LONDON,
Guildhall, E. C., 1863.

At a public meeting of the inhabitants of Cobham, in the county of Surrey, held in the Wesleyan church, on January 16, 1863, it was—

Resolved, unanimously, That this meeting, being convinced that slavery is the cause of the grievous civil war now being waged in America, and that the object of the leaders of the rebellion in that country is the perpetuation and extension of that inhuman system, earnestly prays that the United States government may be strengthened to pursue its emancipation policy till not a slave shall be left on American soil.

Resolved, That a copy of this resolution be forwarded to Mr. Abraham Lincoln, President of the United States."

BENJAMIN SCOTT, *Chairman.*

MEETING AT CROSSHILLS.

President Lincoln's emancipation policy.

A public meeting was held in the Town Hall, Crosshills, on Saturday last, convened by working men, for the purpose of expressing an opinion on President Lincoln's emancipation policy. The meeting was composed chiefly of

working men, with a few manufacturers and shopkeepers. The hall was densely crowded, and hundreds were unable to obtain admittance. The chair was occupied by Mr. Joseph Crossley, and, amongst other gentlemen on the platform, were Messrs. W. North, of Bradford; W. Dickinson, John Smith, (late from America,) John Whittaker, and J. Barker, Crosshills. Mr. John Smith moved the first resolution. Mr. Smith supported the resolution by the recital of many interesting incidents that had come under his observation during his residence in America. He stated that he had once heard Mr. Lincoln speak in Philadelphia (before he was President) on the slavery question, and he then observed that if slavery was good it ought to be extended, and if not, it ought to be abolished or its extension prevented. He (Mr. Lincoln) believed it to be bad, therefore he went for non-extension. Mr. Smith fully indorsed these sentiments, and cordially supported the resolution. Mr. Joseph Barker seconded the resolution, and observed, during the course of his remarks, that the meeting had been convened for the purpose of expressing sympathy with a great people in their hour of deep distress, and to knit still closer the ties of blood and commercial interests which bound two nations together. He maintained that the secession of the southern States was an act of treason and rebellion against the Union, and that no other course was left to the north but to crush the revolt as quickly as possible. In his opinion the rebellion would never have taken place had not the south feared that their slavery institutions were in danger. The south had no other plea for secession. The sovereign rights of their States had never been violated by the north. The south had possessed more than universal suffrage, because they had voted by their rights of property, every five slaves giving three votes to the owner, or equal altogether to more than twenty representatives to the south. From the commencement of the Union the south had succeeded in returning southern Presidents. Under these circumstances how could they complain of tyranny? No sooner was Abraham Lincoln returned as the representative of the non-extension of slavery than the south struck the federal and hoisted the confederate flag, declaring to the world that their confederacy was based upon slavery as its chief corner-stone. He condemned the English government for recognizing the south as belligerents, citing the case of the revolt in Canada, when the President of the United States designated the Canadians as rebels. The English press and the government at the commencement might have done much to prevent this civil war, by proposing to the north that if they would abolish their tariffs we would give them our moral support in crushing the rebellion; or by proposing to the south that if they would abolish their slavery we would recognize them. Instead of this, our press and many statesmen had pursued a most singular course in relation to this civil war. Conservatives had become the allies of rebels and the advocates of revolution; and those who were previously designated as radicals and revolutionary were the allies of law, order, and constitutional liberty. Mr. W. Dickinson moved the second resolution. The speaker cited the opinions of persons in the neighborhood who were southern advocates, and exposed their fallacies with considerable force. Mr. W. North supported the resolution by a humorous recital of his travels in America, which called forth roars of laughter, though not exactly consistent with the subject. His principal point was a wish to make all white men into black men, in order to convince them of the horrors of slavery. The proceedings were throughout of the most orderly character, and all the resolutions were adopted unanimously—no amendment being proposed, though urgently challenged. Thanks were voted to the chairman and the speakers. Mr. Barker stated to the meeting that the resolutions would be forwarded to his excellency the Hon. Mr. Adams, at the American embassy, in London. He complimented those present at the meeting on their intelligent appearance, and said the audience had done honor to themselves and to Cross-

hills by assembling together for the present purpose in such great numbers. A collection was made to defray expenses, and in aid of the Lancashire distress fund.

Mr. Adams to Mr. Seward.

No. 301.]

LEGATION OF THE UNITED STATES,
London, January 22, 1863.

SIR: In consequence of representations made to Mr. Morse and to myself, in which we had confidence, I decided upon addressing to Lord Russell a note of remonstrance against the departure of the steamer *Georgiana* from Liverpool. A copy of that note and of the consul's letter on which it was founded is herewith transmitted. At the same time, being conscious of the inability to make use of the evidence actually in possession, I sent to Mr. Dudley, the consul at Liverpool, a request to make an effort to re-enforce it with testimony at that place. He did so, but failed in obtaining any which could corroborate the affirmations beyond the single fact of the cutting of four port-holes. In the mean time Lord Russell notified me that he had ordered an investigation, which did not make out to reach even that point. Copies of all the papers emanating from him are appended. The *Georgiana* has since sailed. But I remain of opinion that the representation of her character is well founded, and that she is to be fitted out as an armed cruiser at Nassau, or, perhaps, Charleston. Her commander has already escaped once from the supervision of Captain Craven by destroying his confederate commission. It is to be hoped that other officers may be so apprised of the facts as not to let him slip if overhauled a second time.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosures]

1. Mr. Adams to Earl Russell, January 16, 1863.
2. Mr. Morse to Mr. Adams, January 16, 1863.
3. Earl Russell to Mr. Adams, January 17, 1863.
4. Earl Russell to Mr. Adams, January 18, 1863.
5. Telegram from collector at Liverpool, January 18, 1863.
6. Earl Russell to Mr. Adams, January 19, 1863.
7. Collector at Liverpool to Mr. Goulburn, January 18, 1863.
8. Mr. Morgan to collector at Liverpool, January 18, 1863.
9. Mr. Goulburn to Mr. Hamilton, January 18, 1863.
10. Telegram from collector at Liverpool, January 18, 1863.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 16, 1863.

MY LORD: It has become my painful duty to call your lordship's attention to one more of the cases in which the neutral territory of Great Britain is

abused by evil-disposed persons for the worst of purposes in the present war. I have the honor to transmit a copy of a letter addressed to me by the consul of the United States at London, giving the particulars based upon credible information received by him, the authority for which it is not in his power at present to disclose. As the vessel is known to be on the eve of departure from the port of Liverpool, I fear I have not the time necessary to procure corroborative evidence from that place. Under these circumstances I feel myself compelled to make this representation without further delay. I have reason to believe that the vessel in question is intended to pursue a similar course with that formerly called No. 290, to wit, the destruction of the commerce of the United States. I therefore solicit the interposition of her Majesty's government, at least so far as to enable me to procure further evidence to establish the proof of the allegations here made, in season for the prevention of this nefarious enterprise.

Praying your lordship to accept the assurances of my highest consideration, I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Morse to Mr. Adams.

CONSULATE OF THE UNITED STATES,
London, January 16, 1863.

SIR: I have information, on evidence which secures my belief that the iron screw steamer *Georgiana*, Captain Davidson, now in London Graving dock, Liverpool, is intended for a confederate privateer, and is now fitting for the business of privateering. She was built in the yard of Mr. Laurie, at Glasgow. Mr. George Wigg, of New Orleans, contracted to have her built. She is now, I presume, but temporarily (for security until she gets off) registered in the name of Neil Mathieson, secretary of the Confederate Aid Association at Glasgow. She is so constructed that armor plating could be put on to her at any time after leaving the port where she was constructed.

She is a well-built, fast vessel, rigged for fore and aft sails, and is over four hundred tons, net measurement. She left Glasgow for Liverpool on the 3d of the present month, and is now at the last-named port preparing for sea. She has port-holes cut for four rifled cannon, and bolts, &c., arranged for them, since she left Glasgow; and also a portion of her armor plating put on, and small arms enough for a crew of privateers men. She will take some forty or fifty men, all told, from Liverpool, and make up a crew after leaving. Among those now engaged is a gunner, once a sergeant in the royal artillery. She is advertised for Nassau, and will pretend to go out as a regular trader.

I regret that I am unable to sustain the above statement by the affidavits of my informants; but I am bound in honor not to use their names. My information concerning this steamer, for the last five or six weeks, confirms the accuracy of the statement, and I have full confidence in its truth.

The *Georgiana* will call at Queenstown for coal.

Your obedient servant,

F. H. MORSE, *Consul.*

Hon. CHARLES F. ADAMS,
United States Minister.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 17, 1863.*

SIR: I have the honor to acknowledge the receipt this day of your letter of the 16th instant, enclosing a letter from the United States consul in London, giving the particulars based upon credible information received by him, the authority for which it is not in his power at present to disclose, respecting an iron screw steamer named the Georgiana, Captain Davidson, now lying in the London Graving dock at Liverpool, which he believes to be intended for a confederate privateer, and to be now fitting out for the business of privateering.

I have communicated copies of your letter and of its enclosure to the board of the treasury and to the secretary of state for the home department without delay; and I have requested that orders might be sent to telegraph to the proper authorities at Liverpool enjoining them to take such steps in the matter as may legally be taken.

I think it right, however, to observe that her Majesty's government cannot be answerable for any difficulty which may be experienced in carrying out those orders, in consequence of the evidence on which the statement of the United States consul is made being withheld from them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 19, 1863.*

SIR: With reference to my letters of the 17th and 18th instant, I have now the honor to transmit to you copies of reports received at the treasury from the commissioners of customs respecting the steamer Georgiana, assumed in your letter of the 16th instant to be fitting out at Liverpool as a confederate privateer.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Copy of a telegram from the collector of customs at Liverpool to F. Goulburn, esq.

Georgiana, British, 407 tons register; brig rig; cargo, merchandise, provisions, and drugs; no guns on deck; no fitting for guns on board; 1 cwt. powder; iron bulwarks; no port-holes for guns; no fittings for guns on board; a fast vessel; 40 crew; not fitted as a privateer; better adapted for running the blockade; cleared out for Nassau; now in the Mersey, and is intended to leave to-day, say 4 p. m.

SUNDAY, *January 18.*

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 18, 1863.*

SIR: I have the honor to transmit to you herewith, with reference to my letter to you of yesterday, a copy of a telegram received to-day from the collector of customs at Liverpool, reporting the result of the inquiry which he was instructed to make respecting the vessel *Georgiana*, referred to in your letter of the 16th instant as being in course of fitting out at Liverpool as a confederate privateer. I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Edwards to Mr. Goulburn.

CUSTOM-HOUSE, *Liverpool, January 18, 1863.*

SIR: With reference to the telegram received from you between eight and nine o'clock last night, as also to your letter received this morning, the accompanying statement from Mr. Morgan, the surveyor, will show the steps that were taken in regard to the screw steamer *Georgiana*, Captain Davidson, which left the London dock yesterday morning with a general cargo for Nassau.

A reply was sent to your private address at half past eleven to-day, which I hoped would reach you as soon as you would get home from church.

The exact details of the cargo cannot be given you until to-morrow, as I have no means of getting at the papers, there being no one here save myself. I will send you at the same time every detail regarding the vessel that I can learn, but can now assert that the ship is *not* intended for being used as a privateer, but, no doubt, for running the blockade, although of this there is no proof save that deduced from the nature of the cargo.

You will perceive by Mr. Morgan's observations that there are no port-holes cut for guns. In short, I see nothing whatever that would warrant her being detained.

I am, &c., &c.,

S. PRICE EDWARDS.

F. GOULBURN, Esq., &c., &c., &c.

Mr. Morgan to the Collector.

SUNDAY, *January 18, 1863.*

SIR: Last night, about 10 o'clock, I received the telegram sent to you relative to the *Georgiana*, but, being too late, I had no alternative but to wait till this morning early, when I went in search of the vessel, and found that she had hauled into the river on Saturday.

I gave directions to the acting assistant surveyor, Mr. Webb, to accompany me to her, but, as we were going, I met the master of her, (Davidson,) who informed me that all the ship's papers were ashore.

I then accompanied the master, whilst Webb went to the vessel. On my inspecting the papers, I found nothing to induce the suspicion that she was intended for privateering. She had a great many bills of lading, in which the goods (cargo) were consigned to parties at Nassau.

Amongst other things, there were a great many packages of drugs, which convinced me that they were intended to run through the blockade.

I also saw the ship's articles, upon which the names of all the crew stood. The amounts set against their respective names, forty in number, were not higher rates of wages than usual; and his charter-party was in the usual style, and destined him to Nassau, Havana, or New Orleans.

On the return of the officer from the ship, he stated that she had no port-holes, no guns, and no fittings for guns on deck, and nothing to denote that she was intended for a privateer.

Under these circumstances I am respectfully of opinion that she is in no way subject to detention.

Very respectfully,

C. MORGAN, *Surveyor*.

The COLLECTOR.

Mr. Goulburn to Mr. Hamilton.

5 PRINCE'S TERRACE,
Sunday, January 18—12.30 p. m.

MY DEAR MR. HAMILTON: After the communication you made to me last evening, and in accordance with your desire, I telegraphed to Liverpool, desiring the answer to be sent as soon as possible to-day (as it was Sunday) to my house. I have just received it, and you will find an exact copy on the other side. You will see the description of the vessel, *Georgiana*, sent, and on the correctness of which I am sure you may confidently rely, does not, in any way, bear out the facts stated in the information forwarded to the United States minister. Under these circumstances, without further directions from you, I shall not issue any orders to detain the vessel.

I have written this as a record of what has passed between us, but shall bring this letter myself to you *at once* and take your directions.

I am, &c.,

FRED'K GOULBURN.

Mr. Adams to Mr. Seward.

No. 304.]

LEGATION OF THE UNITED STATES,
London, January 23, 1863.

SIR: In obedience to your directions contained in your despatch No. 443, of the 5th instant, I have addressed a note to Lord Russell, founded on Mr. Pike's report of the case of the Dutch vessel captured for violating the blockade in the Crimean war. A copy is herewith transmitted. It seems to me to be a little wanting in the precision which should accompany similar statements, when brought forward in international discussions, but, in my situation here, without opportunity of access to many books, and without time to use them if I had, I content myself with presenting the matter just as it comes to my hand.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

LEGATION OF THE UNITED STATES,
London, January 20, 1863.

MY LORD: As it seems to be desirable to my government to arrive at some general principle to regulate questions of rescue, like that which took place in the case of the ship *Emily St. Pierre*, I have been directed to call your lordship's attention to another instance of claim for the restitution of a vessel, which seems to have been heretofore made by her Majesty's government under very similar circumstances. Of the name of this vessel, or the precise time when the rescue took place, I am not informed. But the general facts of the case are presented from authority so indubitable that I do not hesitate to lay them before your lordship in an imperfect manner, not doubting that they can be verified, or, if not accurately stated, corrected with but little further trouble of investigation.

It appears that a Dutch vessel had been captured by a British cruiser for attempting to run the blockade established by Great Britain during the late war with Russia. A prize-master was placed on board, and she was put in tow of her captor to bring her into port. As they were passing along the coast of Holland, near the Texel, the Dutch captain suddenly cut the tow-line, recovered possession of the vessel, hoisted sail, and made his way successfully to the nearest Dutch port. Here he discharged and secreted the cargo and abandoned the ship, leaving the prize-master still on board. Private creditors then stepped in, brought the vessel into the courts, and placed a keeper in charge. It was at this moment that her Majesty's government is stated to have made a demand for restitution. The Dutch authorities replied that the ship was under adjudication on civil process in the courts. Means were, however, found to discharge the creditors and their keeper, when the ship fell back into the hands of the prize-master, who weighed anchor and sailed to Europe. The case was immediately brought into the admiralty courts, which finally decreed a restoration to the Dutch owners, though on what ground does not appear.

The justice of a claim of restitution under the law of nations in similar cases seems so obvious that it is much to be regretted any difficulty should exist in the power to make it. On this subject I have nothing new to add to the positions heretofore presented by me to your lordship in the case of the *Emily St. Pierre*. Trusting that discussion may ultimately lead to a general recognition of the principle, as well as the adoption of the means to carry it into full effect, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 305.]

LEGATION OF THE UNITED STATES,
London, January 23, 1863.

SIR: I have the honor to transmit a copy of Lord Russell's note to me of the 15th instant, in reply to mine of the 30th ultimo, respecting the validity of the sale of the *Sumter* in the port of Gibraltar. I have since then sent a telegraphic direction to the consul at that port, a copy of which is also forwarded, as well as his answer received last evening.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 15, 1863.*

SIR: With reference to my letter of the 1st instant, in which I acknowledged the receipt of your letter of the 30th ultimo, respecting the sale of the Sumter at Gibraltar, I have now the honor to inform you that her Majesty's naval and military officers at that port have received instructions not to give any protection to that vessel beyond the waters of Gibraltar; but it will of course be clearly understood that those instructions do not preclude the owners of the Sumter, if that vessel should be taken by United States cruisers, from appealing, according to usage and practice of international law, to the prize court in the United States against the captors; nor will her Majesty's government be precluded from taking any course which may hereafter appear to them proper, if the Sumter, now assumed to be British property, should be hereafter condemned, or otherwise dealt with in any manner which might not be, in their judgment, warranted by international law.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

[Telegram]

American Minister, London, to Mr. Sprague, American Consul, Gibraltar.

LONDON, *January 19, 1863—12.30 p. m.*

The Sumter should be captured if she goes out of the British waters on the high seas. If she have nominal British papers she must be sent home for adjudication as prize.

Please notify the naval commanders.

[Telegram.]

SAN ROQUE, *January 21, 1863—2.5 p. m.*

MR. ADAMS, *American Minister, London:*

Your telegram communicated to our commanders. Sumter coaling again and provisioning to-day.

SPRAGUE.

Mr. Adams to Mr. Seward.

No. 307.]

LEGATION OF THE UNITED STATES,
London, January 23, 1863.

SIR: Without any movement on my part you would scarcely fail to fix your attention upon the reports of two speeches made during the past week—one by Mr. Milnor Gibson, the president of the Board of Trade, to his constituents at

Ashton-under-Lyne, and the other by the Duke of Argyle, at the meeting of the National Bible Society of Scotland, held at Edinburgh on Tuesday last. Both of them indicate, what is now perceptible in many other quarters, much greater confidence in the treatment of the American question, and its relations to slavery.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 460.]

DEPARTMENT OF STATE,
Washington, January 26, 1863.

SIR: Your despatch of the 8th of January has been received, together with the New Year's Address of the Workingmen of London to the President, and the other papers mentioned in the despatch. The address has been submitted to and is under the consideration of the President.

Major General Burnside was prevented by a severe storm from renewing hostilities last week on the Potomac. The hindrance will continue until the condition of the roads near the Rappahannock shall have mended. Meantime General Burnside has tendered his resignation, and he is now replaced by Major General Hooker. The expedition against Charleston was delayed by the storm, but the forces are now being put in motion.

It is understood here that General McClelland's forces, with Commodore Porter's fleet, after their brilliant achievements in Arkansas, have returned to the siege of Vicksburg, and have been adequately re-enforced by General Grant.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 310.]

LEGATION OF THE UNITED STATES,
London, January 29, 1863.

SIR: I have the honor to transmit copies of further correspondence with Lord Russell, being the sequel of the discussion of the case of the gunboat No. 290. I shall now await the instructions of the government which I, by this time, presume to be on their way to me.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, January 24, 1863.
2. Mr. Adams to Lord Russell, January 26, 1863.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 24, 1863.*

SIR: It is impossible for me to leave without notice some of the statements contained in your letter of the 30th ultimo.

These statements contain or imply a grave charge against her Majesty's government. You speak of the "admitted fact of a violation of a statute of this kingdom intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited to take cognizance, of which they do take cognizance so far as to prepare measures of prevention; but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly complaining party from serious injury; in the substantial points of the case little room seems left open for discussion."

On the substantial points of the case, as stated by you, there is, on the contrary, great room left open for discussion.

I must ask, first, what are the circumstances within the control of the government to which you allude? Do you mean that her Majesty's government, in construing a penal statute or in carrying into effect the provisions of a penal statute, were to hurry at once to a decision, and to seize a ship building and fitting out at Liverpool without being satisfied by evidence that the provisions of the foreign enlistment act had been violated in the case of such vessel? Do you mean that her Majesty's government were to dispense with proof, and to inflict injury upon the Queen's subjects by seizing a ship upon your mere assertion that the owners of that ship were violating the law?

If such is your meaning, I must reply that the government of this country respect the law. They do not seize upon property to the loss and damage of its owners without proof that they are legally entitled to do so.

Perhaps your meaning is that her Majesty's government should have proceeded on the opinion of Mr. Collier, without awaiting for other authority.

But here again I must reply that the usage of this country requires that the government should consult their own legal advisers, and obtain the opinion of the law officers of the crown before they proceed to enforce a penal statute.

If you mean to contend, therefore, that a nation in a state of profound peace should set aside the formalities of law and act at once upon presumptions and surmises, I entirely differ from you. I may remind you that the evidence sufficient to satisfy a court of law as to the "equipment" or "fitting out" of a vessel for warlike purposes, and of its actual destination, is not attainable without difficulty.

If you mean that her Majesty's government wilfully delayed or neglected the measures by which the character of the *Alabama* could have been legally ascertained, I must give a positive and complete denial of the truth of any such assertion. The opinion of the law officers, until the receipt of which her Majesty's government could not act, was delivered at the foreign office on the 29th of July, but in the morning of that day the *Alabama*, under pretext of a pleasure excursion, escaped from Liverpool.

With regard to the very different circumstances of 1793 and 1794, those circumstances are recorded in history. It is notorious that Monsieur Genet, the French minister to the United States, fitted out privateers in the ports of the United States; that he boasted in his despatches of the captures of British vessels which those privateers had made, and that he procured a sham condemnation of those captured vessels in neutral ports. It is notorious, also, that he endeavored to make the United States the basis of his operations and of

attempts to raise rebellions against England in Canada, and against Spain in Louisiana.

According to your own account the United States purposely delayed to give any redress to the complaints made by the British government of the captures of British merchant vessels, because they felt unwilling to act on a policy of repression till they had given due notice of the construction they put upon a treaty offensive and defensive with France, which had been quoted in defence of the depredations committed on British commerce.

It is evident that by so acting the United States government deliberately made themselves parties in the interval to the proceedings carried on in their own ports, and the same government, with the sense of justice which distinguished them, made compensation afterwards for the injuries inflicted under cover and protection of their own flag, and promised to exclude French privateers "from all further asylum in" their "ports."

In Mr. Jefferson's letter, quoted by you, he says: "*Having for particular reasons forbore to use all the means in our power for the restitution,*" &c. * * Here is the inquiry stated, and here are the grounds why it was permitted.

But the British government have given no asylum to belligerent privateers bringing prizes into British ports. They have no particular reasons to allege; they have not foreborne to use all the means in their power; they have used all the means they could use consistently with the law of the land, and by no fault of theirs have those means in a single instance proved inefficacious. There was no want of a statute to enforce, nor of a will to enforce it; evidence was wanting and an authority to decide upon that evidence till it was too late. But her Majesty's government cannot promise the United States to act without evidence, nor to disregard the legal authority of their own law officers.

As to other points, we are nearly agreed so far as the law of nations is concerned. But with respect to the statement in your note that large supplies of various kinds have been sent from this country by private speculators for the use of the confederates, I have to observe that that statement is only a repetition in detail of a part of the assertion, made in my previous letter of the 19th ultimo, that both parties in the civil war have to the extent of their wants and means induced British subjects to violate the Queen's proclamation of the 13th of May, 1861, which forbids her subjects from affording such supplies to either party.

It is, no doubt, true that a neutral may furnish as a matter of trade supplies of arms and warlike stores impartially to both belligerents in a war, and it was not on the ground that such acts were at variance with the law of nations that the remark was made in the former note. But the Queen having issued a proclamation forbidding her subjects to afford such supplies to either party in the civil war, her Majesty's government are entitled to complain of both parties for having induced her Majesty's subjects to violate that proclamation, and their complaint applies most to the government of the United States, because it is by that government that by far the greatest amount of such supplies have been ordered and procured.

I do not propose to discuss other collateral topics which have been introduced, but, in explanation of my former letter, I must say that I never meant to accuse you of giving any encouragement to the enlistment of British subjects in this country to serve in the civil war unhappily prevailing in the United States.

But it is notorious that large bounties have been offered and given to British subjects residing in the United States to engage in the war on the federal side, and these British subjects, acting in defiance of the laws of their country and of the Queen's proclamation, have been encouraged by the United States government so to act.

A recent and striking example of the open avowal of this course of conduct on the part of the United States government is to be found in the correspondence

between Mr. Seward and Mr. Stewart with reference to the crew of the *Sunbeam*, in which, although it does not appear that any bounties were offered, Mr. Seward has treated an endeavor to induce British sailors to enlist in the belligerent service of the United States as affording no grounds of complaint to her Majesty's government,

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 26, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 24th instant, in reply to some portions of mine of the 30th of last month, respecting the case of the outfit from Liverpool of the gunboat No. 290, to depredate on the commerce of the United States.

Your lordship is pleased to raise a discussion on the following statement made by me. I quote the paragraph as it stands in your note:

"The admitted fact of a violation of a statute of this kingdom, intended to prevent ill-disposed persons from involving it in difficulty by committing wanton and injurious assaults upon foreign nations with which it is at peace, of which her Majesty's ministers are invited (by a party injured) to take cognizance, of which they do take cognizance, so far as to prepare measures of prevention, but which, by reason of circumstances wholly within their own control, they do not prevent in season to save the justly-complaining party from serious injury. On the substantial point of the case little room seems left open for discussion."

Out of my profound respect for your lordship's representation, I have reviewed the whole of this paragraph with the utmost care. I am compelled now to confess that I can perceive no ambiguity in the meaning sufficient to justify any of the implications which your lordship appears to desire to raise from it. Starting from a point of moral obligation (in my view as strong between nations as it is between individuals) that injuries inflicted on an innocent party (of which, if not prevented, it has a right to complain, provided that it give notice in time seasonable for the application of adequate means of prevention) should be, so far as practicable, repaired or compensated for by the party that does the wrong, or suffers it to be done by persons under its control, I have applied the general principle to the case before me. The fact that warning had been given in full season to prevent the departure of No. 290 does not depend upon my statement, inasmuch as it is simply a question of dates, open to the inspection of all men. The fact that her Majesty's government were convinced of the justice of the representation made, is patent from the determination to which your lordship admits that they ultimately came to detain the vessel. The fact that this decision was so long delayed as to fail in effecting the object intended, whereby great injury has been actually done, and is yet likely to ensue, to the commerce of the United States, is equally a question purely of dates. Inasmuch as these constitute the substance of the paragraph of my note, to which exception is taken, I must confess myself wholly at a loss to perceive upon what ground any doubt can further be raised about it.

But your lordship proceeds to do me the honor to address a series of questions to me as to possible meanings that may be conveyed in my language,

which might imply, from the failure to act of her Majesty's government, motives of some kind or other that I have not distinctly expressed. I must respectfully ask to be excused from entering into any such field of controversy. I desire neither to make charges, nor to raise implications of an unnecessary nature to complicate the difficulties of this painful subject. All that I deem it my duty to know is, that a grievous wrong has been done to an innocent and friendly nation, by what seems to me to have been a most unfortunate delay in effecting a prevention, that later experience conclusively shows ought to have been applied in time. Of the reasons that prevented such an application, inasmuch as none of them could have grown out of the course of the injured party, I have no wish to enter into a discussion. The principle of justice is not merely that right should be done, but that it should be done sufficiently prompt to effect its object. Otherwise it is justice denied. Upon that I am content to rely.

As it is probable that I may receive, at an early moment, further instructions from my government in respect to the substantial points involved in the present correspondence, I deem it inadvisable further to take up your lordship's time by enlarging the limits of the discussion of purely incidental questions. I desire to express my obligation to you for the ready and full manner in which your lordship has exonerated me from the suspicion of encouraging the enlistment of her Majesty's subjects in the service of the United States. At the same time it is not without regret that I perceive the charge still persevered in against the government of the United States. If I understand your lordship aright, it is now affirmed that because the government offers large bounties on enlistment in the United States, and because British subjects in the United States, tempted by these bounties, do occasionally enlist, therefore your lordship is justified in having affirmed in your former note that the government of the United States, *systematically and in disregard of the comity of nations*, induce them to enlist. As well might I in my turn, in view of the frequent applications made to me to procure the discharge of citizens of the United States who have been tempted in the same manner to enlist in her Majesty's service in this kingdom, assume the existence of a similar policy. Further than the presence of a general offer, I do not perceive that your lordship's reference to the action of Mr. Seward, of which I am not in a situation to speak authoritatively, appears to extend. Further than this, I must still continue to disclaim the belief in the existence of any systematic policy, as well in one case as in the other.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 311.]

LEGATION OF THE UNITED STATES,

London, January 29, 1863.

SIR: Since the date of my despatch No. 301, I have had some further correspondence with Lord Russell on the subject of the steamer Georgiana. Copies of the papers are herewith transmitted. It will be perceived that the later materially contradicts the earlier testimony. In the mean time the vessel departed. It is now boldly stated in the Liverpool newspapers that she is to act as a tender to No. 290.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Earl Russell to Mr. Adams, January 24, 1863.
2. Mr. Waddington to Mayor of Liverpool, January 17, 1863.
3. Mayor of Liverpool to Home Department, January 20, 1863.
4. Report of Detectives Laycock and Patrick, January 20, 1863.
5. Telegram from Liverpool town clerk.
6. Mayor of Liverpool to Mr. Waddington, January 21, 1863.
7. Deposition of Mr. Webb, January 19, 1863.
8. Mr. Adams to Earl Russell, January 26, 1863.
9. Earl Russell to Mr. Adams, January 27, 1863.
10. Further reports from Detectives Laycock and Patrick, January 22, 1863.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January 24, 1863.*

SIR: With reference to my letter of the 19th instant, I have the honor to enclose for your information the following papers respecting the case of the screw-steamer *Georgiana*, viz:

1. A copy of the instructions addressed by the secretary of state for the home department to the mayor of Liverpool.

2. Copies of reports received from the mayor of Liverpool, in reply.

3. A copy, received through the treasury, of a report respecting the *Georgiana*, addressed to the commissioner of customs by Mr. Webb, the acting assistant surveyor of customs at Liverpool.

4. The manifest, and a copy of the victualling bill of that vessel.

These last-named papers I have to request that you will be good enough to return to me after perusal.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Waddington to the Mayor of Liverpool.

[Confidential.]

WHITEHALL, *January 17, 1863.*

SIR: I am directed by Secretary Sir George Grey to acquaint you that he has received a letter from the foreign office enclosing a communication, which has been made by the American minister in this country, respecting a vessel named the *Georgiana*, supposed to be fitting out at Liverpool for the use of the Confederate States. It is said that this vessel was built in Mr. Laurie's yard, at Glasgow, to the order of Mr. George Wigg, of New Orleans, and is now registered in the name of Neil Mattheson, secretary of the Confederate Aid Association of Glasgow.

She is at present in the London Graving dock at Liverpool. I am to request that you will cause immediate inquiry to be made by the police respecting this vessel, in order that, if it shall appear that the parties concerned in the business are acting in contravention of the law, information on oath may be taken,

(59 Geo. III, c. 69,) as required by the statute, to enable the magistrates to act in the case.

I am, &c.,

H. WADDINGTON.

The MAYOR of *Liverpool*.

[Telegram.]

The Mayor of Liverpool to the Secretary of State.

LIVERPOOL, *Strand Station*, January 20, 1863.

Just received the following report on your letter of the 17th. Ship in the river, but a very heavy gale blowing; it is very probable she cannot get out to-day. I wait your instructions.

LIVERPOOL CONSTABULARY FORCE,
Central Police Office, January 20, 1863.

Detective Officers Laycock and Patrick have the honor to report, for the information of Major Greig, head constable, relative to a communication from Sir George Grey, home secretary, to his worship the mayor of Liverpool, touching the *Georgiana*, supposed to be fitted out at Liverpool for the use of the Confederate States—

That they made strict and private inquiry, and found that the above-named vessel was built at Glasgow, and came direct from that port to Liverpool. She left the London Graving dock on Thursday last, and removed to the Bramley Moore dock, when she took in cargo, consisting of six hundred cases of brandy, about fifty chests and half chests of tea, six bales of woollen goods, a quantity of miscellaneous goods, and medicine. During the time she was taking in cargo it was in the usual way inspected by officers of her Majesty's customs. The customs authorities assert that no guns or ammunition were put on board, and she does not appear in any way fitted out for warlike purposes. She is only a screw steamer of 407 tons register. Her crew consists of the captain and forty hands, who were shipped by Messrs. J. & F. Johnson, merchants, Walmer Buildings, Water street. They have shipped from Liverpool to Nassau; afterwards to any port in the United States, or British America, the voyage not to exceed two years. She went into the river Mersey on Saturday last, and had she not lost one of her anchors she would, before now, have proceeded to sea.

The agents are Messrs. A. E. Byrne & Co., Tower Buildings, Liverpool.

F. J. GREIG, *H. C.*

[Telegram.]

The Town Clerk of Liverpool to the Secretary of State, Home Department.

Since the mayor's message sent, I have seen the American consul at this port, who says he has information that small arms are on board, and perhaps rifled cannon; that the ship has two port-holes on each side, and there are rings in the deck for the gun-ropes; that the crew consists of nearly fifty men, and more officers than usual, and double crew of engineers and their assistants.

The Mayor of Liverpool to Mr. Waddington.

TOWN HALL, Liverpool, January 21, 1863.

SIR: I have to acknowledge the receipt of your letter of yesterday's date, and to inform you that I caused further inquiries to be made as to reliable evidence of any intention to fit out the Georgiana as a vessel-of-war for the use of the Confederate States of America, or to be used otherwise contrary to the provision of the "Act 59, George III, chapter 69."

The town clerk having informed me of the statements made to him by the American consul yesterday, which were communicated to you by his telegram after I had despatched mine, I directed the chief superintendent of the detective department, with another officer of great intelligence, previously employed in this case, to wait upon the consul this morning, and to inform him that the authorities here were prepared to give every possible assistance to prevent any infringement of the act above quoted, but that the magistrates could not act unless upon precise evidence sufficient to satisfy them that an offence had been committed against the law. He stated to the superintendent that he had obtained certain information, which, however, he could not disclose, the same having been given to him in confidence; but he suggested that an examination of the ship should be made, for the purpose of ascertaining whether she was in any way fitted for a vessel-of-war, and especially in relation to ports for guns having been made here, and rings placed in the deck for the gun-ropes. I directed that the officers should visit the ship, but she this day proceeded to sea. Our police have made every inquiry, especially in reference to the points mentioned by the consul. They verbally report to me that they found the ship was built in great haste in Glasgow; that she came here in a very unfinished state; that ports were made here, inasmuch as it was found that in a heavy sea, from her great speed, much water would be shipped, and that these ports were intended for the escape of such water; and that she is very slightly built, and is not calculated to carry any armament, or to be used as a fighting ship; and they are of opinion that she is built for speed only, and very probably intended to run the blockade, if possible.

I have directed the officers to communicate to the American consul the information they have obtained.

I have, &c.

R. C. GARDNER, Mayor.

H. WADDINGTON, Esq., &c., &c., &c.

The examination of Mr. James Webb, acting assistant surveyor for rum-maging clearing vessels, and seeing that the out-door officers who perform the water-guard duty correctly and faithfully discharge the same.

I have been in the service of the customs nearly twenty-seven years. I entered the service as a tide-waiter. Yesterday morning (Sunday) the surveyor, Mr. Morgan, called at my house (for it was my turn off duty) about 7.30, and asked me if I knew where the Georgiana was lying. I told him she had gone into the river on Saturday, and was then lying in the Mersey, opposite the watch-house. I then accompanied him towards the boarding station at the Princes' Dock pier-head. As we were going down we met the captain, Davidson. He said he was going to the ship. Mr. Morgan then desired me to go to the ship in the river, while he turned back with the captain to see his papers. I went on board the Georgiana at about 9.30 a. m. She was about half a mile

off the great landing stage. I went on board, and had the hatches removed in order to examine the cargo. She was not above half full. She appeared to have a quantity of tea and bale goods on board; also, oil, tallow, and provisions, which I saw. There was no objection made to my going into any part of the vessel. I have seen the vessel several times before, both while she lay in the Sandon docks and in the Graving dock. She is an ordinary iron screw steamer, *i. e.*, not built stronger than the ordinary merchant vessel. She is brig-rigged, and not fore and aft. She has no port-holes, and no places fitted for mounting guns. It is impossible that she could have port-holes without a total change in the bulwarks, there being no support to sustain the recoil of the guns. There were eighteen or nineteen iron plates on board, lying on the top of the cargo; they were of the same thickness as the hull of the vessel—that is, the ordinary thickness for merchant vessels.

I am satisfied, from the construction, general fittings, and adaptation of the ship, that she is in no way fitted for a privateer. I specially noticed the vessel after she came to the port, and have seen her almost daily since; and on her arrival made several inquiries about her, and so satisfied was I then, and still am, that she was not intended for warlike purposes, that I did not consider myself called upon to make any report concerning her.

T. WEBB.

Signed and declared before me, at the custom-house, Liverpool, this nineteenth day of January, 1863.

S. PRICE EDWARDS, *Collector.*

Report of Major Greig, head constable.

LIVERPOOL CONSTABULARY FORCE,
Central Police Office, January 22, 1863.

Detective Officers Laycock and Patrick have the honor to report, for the information of Major Greig, head constable, relative to a communication from Sir George Grey, home secretary, to his worship the mayor of Liverpool, respecting the screw steamer Georgiana, said to have been fitted out for the service of the Confederate States of America—

That from further inquiries made, officers found that she sailed yesterday from the river Mersey, between 11 o'clock a. m. and 12 noon.

Officers afterwards went to Messrs. Grayson's ship-building yard, Regent road, they having executed the repairs of the above vessel whilst in the Sandon Graving dock. Saw Mr. Brough, their foreman, who superintended the work, who stated that he had pierced two port-holes on each side of the vessel, which would answer when she shipped much water, or for guns for her own protection.

He also stated that she is so slightly built that, if a gun was fired on board of her, it would shake her from stem to stern.

She was built at a very light expense, for the purpose of running the blockade. She has neither gun swivels nor ring-bolts on deck for firing cannon.

J. J. GREIG, *H. C.*

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 26, 1863.

MY LORD: I have the honor to acknowledge the reception of your notes of the 17th, 18th, 19th, and 24th of this month, together with certain papers relating to the case of the Georgiana. I return the manifest and copy of the victualling bill, as requested.

The Georgiana has departed on her voyage, and therefore I deem it unnecessary to pursue the subject further. But I regret to say that I am not entirely convinced of the incorrectness of the information upon which my representation of the 16th instant was based. After the experience had in the instances of the Oreto and of No. 290, I hope I may be pardoned for distrusting the result of any investigation arrived at in similar cases at Liverpool when conducted by the same parties. On the other hand, the further evidence which I have obtained since writing my note tends to confirm me in the impression first received, that the vessel was pierced for four port-holes at Liverpool, and she sailed carrying both cannon and small arms, as well as iron plates in her hold, to be hereafter put on to protect her sides. Time will show which view of the subject is the true one. In any event I feel safe in asking of your lordship the favor to take such measures as may at least prevent the possibility of completing the outfit and armament of this vessel at Nassau, if such a proceeding should prove to have been contemplated.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,
CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, January 27, 1863.

SIR: With reference to my letter of the 24th instant, I have the honor to transmit to you, for your information, a copy of a further report which has been received through the mayor of Liverpool from the head constable of that borough, relative to the screw steamer Georgiana.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 313.]

LEGATION OF THE UNITED STATES,
London, January 30, 1863.

SIR: Owing to the delay of the steamer Asia, I did not receive until last evening despatches from the department, numbered from 445 to 448, inclusive. There seems to be nothing in them calling for particular notice.

I transmit herewith a copy of this morning's Star, which gives the fullest account published of the great meeting last night at Exeter Hall. It seems to have been a most significant indication of the popular sentiment of the middle

classes. Some gentlemen tell me that there has been nothing like it here since the time of the anti-corn law gatherings. * * * * At the same time a similar meeting was held at Bradford, in Yorkshire, and one at Stroud, in Gloucestershire, with the same results. I likewise transmit a copy of the Bristol Daily Post of yesterday, giving a report of a meeting held in that place the previous evening.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 462.]

DEPARTMENT OF STATE,
Washington, January 30, 1863.

SIR: I transmit a communication made by the Secretary of the Navy to this department, which shows that the insurgents in this country have instructed James Spence, a confederate of their own, who is a British subject residing at Liverpool, to effect, if he can, an arrangement by which gold which they have collected and are preparing to use in Great Britain to buy and fit out three ships-of-war to be used against the government of the United States, shall be conveyed from ports which are in the possession of the insurgents, but are blockaded by the United States naval forces, to their agents and confederates in Europe, in the British vessels which are permitted to enter those ports in virtue of the treaties existing between the United States and Great Britain.

So much care has hitherto been practiced by the British authorities in regard to the proceedings of such vessels that the discovery of the designs of the insurgents, to which I have alluded, would have excited no apprehension on the part of this government, had there not appeared some ground to believe that one British ship-of-war, as well as one Spanish vessel of the same kind, has already been engaged in carrying gold of the insurgents from such ports to such insurgents. This ground, so far as the British man-of-war is concerned, is found in a statement of a newspaper published at the Bahamas, a copy of which is appended to the communication of the Secretary of the Navy. It is sincerely believed by this government that the statement of the Bahama paper is erroneous and untrue. The gravity of the matter, however, requires that you shall bring the subject as early as possible to the attention of Earl Russell, and ask for such investigation and such instructions to the naval officers of Great Britain as the occasion seems to require. It is hardly necessary to say that, in the opinion of this government, the plan of the insurgents could not be carried out except by practices which would be a fraud against the treaties which secure admission of British vessels into the ports of the United States, such as the British government would be the last to lend its sanction to, or even its toleration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 466.]

DEPARTMENT OF STATE,
Washington, February 2, 1863.

SIR: Herewith I enclose, for presentation to the British government, a copy of a memorial just received at this department from the New York Mutual Insurance Company, of the city of New York, relative to losses sustained by it on account of the destruction of the ships Brilliant and Manchester on the high seas by the piratical steamer Alabama.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 467.]

DEPARTMENT OF STATE,
Washington, February 3, 1863.

SIR: Your despatch of January 16 (No. 299) has been received, and I have submitted to the President the resolutions which were presented to you by the executive committee of the Emancipation Society. The President approves of the address which you made on that occasion, and authorizes you, in any proper manner, to make known to the gentlemen of the committee his high appreciation of the liberal and friendly sentiments towards this country which they have expressed in their resolutions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 468.]

DEPARTMENT OF STATE,
Washington, February 3, 1863.

SIR: Your despatch of January 16 (No. 298) has been received, and I thank you for giving me a copy of the significant proceedings of the Emancipation Society at Manchester.

Your despatch describes, as enclosures, certain papers which were not found within the envelope, namely: 1st, Address to President, Sheffield, 31st December, 1862; 2d, Resolutions of same meeting; 3d, Resolutions of Sheffield meeting, 10th January, 1863; 4th, Copy of Mr. Clegg to Mr. Adams, 15th January, 1863.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 469.]

DEPARTMENT OF STATE,
Washington, February 4, 1863.

SIR: Your despatch of January 15 (No. 296) is received only now, after a lapse of nineteen days.

The results of military operations during the last three months are sufficiently manifest to have a determinate value. The reverses were the repulse at Fredericksburg and the repulse at Vicksburg. Each of these reverses was practically fruitless to the insurgents. The successes were the battle at Murfreesboro' and the capture of the post of Arkansas. Each of these not only weakened the insurgents, but enlarged the field of federal authority. It is understood that the expeditions at Charleston and Vicksburg are now in full activity, and we shall not long wait for important results.

It is never easy to know what value to put upon popular expectations and popular fears as omens of ultimate success. It could not be concealed that there has been a season of deep anxiety since the reverse at Fredericksburg. It is apparent that there is now a measured return of public confidence. The last change is probably not more reliable than the one which preceded it. However this may be, it is certainly cheering to perceive that the idle speculations upon mediation and the spasmodic demands of certain impulsive politicians for armistices and concessions have failed to pervert the public mind, and that there remains the same firm determination to maintain the Union that was everywhere manifested at the beginning of the contest.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 315.]

LEGATION OF THE UNITED STATES,
London, February 5, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 449 to 455, inclusive. Also printed circular (No. 30) of the 24th of December last. I shall endeavor to attend to the various subjects to which they refer as promptly as possible.

Since the date of my last despatch I have received, for transmission to the President, resolutions and addresses adopted at public meetings held in Bradford, Bristol, Stroud, and Glasgow. I have also been notified by the chairman of the London meeting, William Evans, esquire, that the resolutions adopted by it are in process of engrossment on vellum prior to transmission to the same destination. Should they reach the legation in season I shall send them by the steamer of this week.

I likewise send a minute of the proceedings of the executive committee of the British and Foreign Anti-Slavery Society, formally presented to me by a very large and respectable deputation, which waited upon me on Tuesday last, to be forwarded in the same manner. I felt it my duty to notice a portion of the observations contained in the minute, which I did in as brief a reply as I could prepare to answer the purpose. A report of the proceedings which appeared in most of the newspapers of the next day is also appended.

I think there can be no doubt that these manifestations are the genuine expression of the feelings of the religious dissenting, and of the working classes of

Great Britain. The political effect of them is not unimportant, coming, as they do, at a period when a sudden dissolution of Parliament, at any moment, is regarded by all as very possible. Under such circumstances, the agitation of a proposition to recognize the insurgents looks much less likely than I could have anticipated some months ago.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Nichols to Mr. Adams.

BRADFORD, *Yorkshire, January 30, 1863.*

SIR: I have the highest satisfaction in forwarding to your excellency, as the representative of the United States, the enclosed resolutions of a crowded meeting, held in our largest building, at which not fewer than 4,000 persons were present, begging you will have the kindness to submit the document to the President.

So many gentlemen in public station having, of late, expressed opinions favorable to the recognition of the rebel States, it was felt no longer to be tolerable that the sympathies and opinions of the English people should be so *mis*-represented. It would not be possible for sympathizers with the slave power to obtain such a demonstration on behalf of the south, in any part of England, as those now afforded by the great centres of industry against slavery and its abettors.

Our worthy representative in the British Parliament, of whom we are proud as taking a position in the fore front of the enemies of oppression, and who presided over this meeting, can assure you of the unmistakable enthusiasm of the people of Bradford in passing the resolutions I have the honor to hand you, and their determined opposition to any interposition on behalf of the rebel slave-owners. The proceedings closed with three hearty cheers for President Lincoln, which expressed our earnest solicitude that he may be sustained by the Almighty Father of bond and free, in his righteous determination to bring to an end the accursed evil which has, for a time, severed the Union and provoked the just retribution of the Avenger of the oppressed on all who have been accessory to it.

That, on the basis of equal rights and justice to all inhabitants of the States, without distinction of race, your Union may speedily be restored, in its integrity, to peace and prosperity; and that, by the fellowship of an unfettered commerce, all nations may be bound up in your well-being, is the prayer of

Yours, most truly,

W. S. NICHOLS, *Secretary of the Meeting.*

His Excellency the Hon. C. F. ADAMS, *London.*

Mr. Adams to Mr. Nichols.

LEGATION OF THE UNITED STATES,

London, February 2, 1863.

SIR: I shall be pleased to transmit to the President of the United States the resolutions of the crowded meeting at Bradford, which you have done me the favor to commit to my care. I doubt not that this and other similar manifestations of the public sentiment which have lately passed through my hands will have an excellent effect in establishing the most friendly state of feeling among

my countrymen in America towards their well-wishers here. Such is the only solid foundation on which to rest the amity of nations.

I am, sir, &c., &c.,

CHARLES FRANCIS ADAMS.

W. S. NICHOLS, Esq., *Bradford, Yorkshire.*

MEETING AT BRADFORD.

Resolutions passed unanimously at a public meeting of the inhabitants of Bradford, Yorkshire, held in St. George's Hall, January 29, 1863, to promote the emancipation policy of the President of the United States of North America.

W. E. Forster, esq., M. P. for Bradford, in the chair.

1st. That, in the opinion of this meeting, the war now raging in America had its origin in slavery, is continued in its defence, for its extension and perpetuation; that slavery is in antagonism to Christianity, to free institutions, a scourge, a blight and a curse on the human race, and a stain upon the civilization of the nineteenth century.

2d. That this meeting, abhorring slavery as unchristian and inhuman, deprecates all efforts to induce her Majesty's ministers to transgress the policy of non-intervention on behalf of the slaveholders, who, by rebelling and fighting for slavery, have brought incalculable misery upon their own country and upon this.

3d. That any intervention, physical or moral, on behalf of the slave power would be especially disgraceful, now that the government of the United States has avowed an *emancipation policy*, in which this meeting rejoices, as giving ground for the belief that this terrible war will be overruled to the destruction of the system of slavery.

4th. That this meeting deeply sympathizes with the working classes of the cotton districts in their privations resulting from the war, and regards with admiration their magnanimity in being the first publicly to declare the undiminished hatred of Englishmen to slavery, and their unalterable determination at all risks to seek its extermination.

5th. That a copy of the foregoing resolutions be forwarded to his excellency the Hon. C. F. Adams, with a request that he will remit them to President Lincoln.

On behalf of the meeting,

W. S. NICHOLS, *Secretary to the Meeting.*

GREAT ANTI-SLAVERY MEETING.

At a large and enthusiastic meeting held in the Subscription Rooms, Strand, on Thursday evening, January 29, 1863, John Sibree, esq., M. A., in the chair, for the purpose of expressing sympathy with the anti-slavery policy of the federal government, it was unanimously resolved that the following address be presented to the President of the United States:

To his excellency Abraham Lincoln, President of the United States of America:

SIR: It is in no corporate capacity, but simply as an assembly of Englishmen, that we venture to address you a few words of sympathy and fraternal regard. We deeply deplore the calamity which has fallen upon your country, and earnestly desire to see a stop put to the painful struggle now raging in America,

sincerely hoping that the system of slavery, which has been the chief cause of the war, may be buried with it.

We are bound to confess that there has ever been a misgiving in our minds when we remembered that there was an inconsistency or incongruity between your avowed principle of liberty and the existence among you of the worst form of human despotism, and that we have ever believed that such dreadful injustice, in the course of providence, would be avenged.

We would assure you of our full appreciation of the heavy burden of responsibility now resting upon you, and of our sympathy with you in all measures which have for their object the extinction of slavery; and rejoice to believe that, in spite of all that has been said or written, there exists, between the United States and Great Britain, a sound basis of cordial amity, which will be cemented and extended by the success of those measures in erasing this injurious blot from your Constitution.

Praying that you may be carried through the fiery trial to which you are subjected, and that you may be spared to reap the harvest of freedom and peace, we trust that, in the triumph of right and justice, your sorrowing widows and bereaved mothers may find an alleviation of their woes.

Be assured, also, that we deeply deplore any apparent complicity with the southern States in the clandestine equipment of war ships for their use in our waters, and that we fully appreciate the considerate feeling of the north evinced by the shipment of gratuitous supplies for our distressed operatives.

We are, with much respect, yours, &c.,

JOHN SIBREE, *M. A.*, *Chairman.*

GREAT ANTI-SLAVERY MEETING.

At a large and enthusiastic meeting held in the Subscription Rooms, Stroud, on Thursday evening, January 29, 1863, John Sibree, esq., *M. A.*, in the chair, for the purpose of expressing sympathy with the anti-slavery policy of the federal government, the following resolutions were nearly unanimously adopted:

Proposed by J. E. Barnard, esq., and seconded by J. A. Partridge, esq.:

That this meeting feels called upon to give expression to a feeling of deep sympathy with a distracted community sustaining such intimate national and fraternal relationships as those existing between the population of the republic of North America and that of the British isles.

Proposed by Handel Cosham, esq., and seconded by George Thompson, esq.:

That this meeting cannot but view with the deepest sorrow the rise and growth of that man-degrading system which has for so long a period held in bondage millions of our fellow-men in the more southern States of the Union, which has sought, by all means and at any cost, to make itself dominant through the entire republic, and which has been the main cause of the present disastrous war, and expresses its deeply-felt desire that the measures adopted by the federal States for crushing the monster evil of slavery may surely and speedily succeed.

Proposed by the Rev. T. H. Tarlton, incumbent of Stroud, and seconded by the Rev. W. Yates, dissenting minister:

That this meeting acknowledges with great pleasure the generous sympathy and kindness of the federal States shown to our fellow-countrymen, thrown into destitution and want by the war, as evinced by their contributions of money, food, and other articles of comfort and support, and regards the same as an

omen that whatever misunderstanding or misrepresentations may have disturbed the harmonious relations existing between the northern States and the mother country, a more and more perfect amity will henceforth prevail between the people of the two nations.

JOHN SIBREE, *M. A., Chairman.*

VOICE FROM LONDON, ENGLAND.

At a special meeting of the committee of the British and Foreign Anti-Slavery Society, held on Monday, the 19th of January, 1863, the following minute was unanimously approved:

The committee, deeply impressed with the magnitude of the evils inseparable from slavery, and with the conviction that its speedy extension, wherever it exists, is devoutly to be desired, on the highest grounds of religion and humanity, would express satisfaction at the proclamation issued by the President of the United States on the first of the current month, declaring "thenceforth and forever free" the slaves in certain of the States of the American Union.

In view of the exceptional circumstances under which that proclamation has been issued, and of the importance of the present crisis, the committee feel themselves called upon formally to record, that deprecating war as opposed to the spirit and the precepts of the gospel, they regard with unmitigated sorrow the fratricidal conflict between the two sections of the American Union, and sincerely desire its speedy termination, while they protest against the assumption that approval of the President's act implies on their part a sanction of the conflict, or is an encouragement to its continuance.

The committee hold it to have been demonstrated, without possibility of disproof, that the States in rebellion were the aggressors, and deliberately entered upon war for the avowed, sole object of extending and consolidating slavery as an institution by establishing an independent confederacy founded upon it. This wanton, wicked act renders them primarily responsible for the awful sacrifice of human life which has ensued, and for all the misery and suffering it has been the means of inflicting, not only upon the people of the United States, but upon our own countrymen at home, as well as upon considerable numbers of the inhabitants in some parts of the continent of Europe, while, so far from having any claim to the sympathy they seek to secure for their rebellion, it justly merits the severest reprobation of the civilized world.

On the other hand, the committee do not overlook the fact that the President distinctly avows in his declarations to Congress that the United States government resorted to arms to suppress rebellion and preserve the Union, not to abolish slavery. The proclamation of the 22d September last, and that of the 1st of January current, of which it is the complement, also set forth that the freeing of slaves in the States and parts of States held to be in rebellion is a measure of military expediency, and is decreed as such in virtue of the powers extraordinary which the Constitution confers upon the head of the State, as commander-in-chief of the national forces, to be exercised only "during a time of armed rebellion." The committee, nevertheless, sincerely rejoice in the act itself, as bringing to an immediate termination, in favor of three-fourths of the slave population of the south, the there recognized legal condition of slavery.

The committee record an expression of unfeigned regret that any States or portions of States in which slavery exists should be exempted from the operation of the President's proclamation; but although the act falls short of the requirements of justice to all the enslaved, and does not prohibit the reintroduction

of slavery where it is now decreed to be abolished, it must in these respects be tested by the measure of the President's ordinary powers under the Constitution, which leave him no option of interference with slavery in any of the States, and must also be considered in connexion with his proposition for compensated emancipation in the loyal States. The committee are thus brought to the conclusion that considering the constitutional obligations which limit the action of the President, he is justly entitled, in his extremely difficult position, to "the encouragement and to the considerate judgment of mankind," which he solemnly invokes.

The committee protest against the idea which has been put forth that in decreeing emancipation the President contemplated inciting a servile insurrection. While the information in their possession does not warrant the apprehension of such an event, the committee regard the President's exhortation to the freed slaves, "to abstain from all violence, except in necessary self-defence," and "to labor faithfully for reasonable wages when allowed," as conclusive evidence of his desire not only to effect a great work peaceably, but to establish an equitable system of labor. The gratifying results of the remarkable experiment at Port Royal, where some ten thousand so-called "contrabands" are employed most successfully, under exceeding disadvantages, as well as the satisfactory issue of arrangements made in other instances between slaves and their masters, on the one condition of wages for labor, confirm the committee in their belief that in the large majority of cases the emancipated slaves will be found to require no inducement to work for their former owners other than reasonable compensation.

The committee reiterate their appreciation of the various legislative measures in reference to the abolition of slavery adopted by the United States government, and consider that the general policy in this direction of the President and his advisers has been such as entitles them to the cordial thanks of the friends of negro emancipation in all lands.

L. A. CHAMERORZOW, *Secretary.*

27 NEW BROAD STREET, E. C., *London, January 19, 1863.*

VOICE FROM BRISTOL, ENGLAND.

To his excellency the President of the United States:

SIR: As an assembly of Englishmen, and having no corporate capacity, we venture to address to you a few words of respectful sympathy. Language fails us to express how deeply we deplore the calamity which has befallen your country, how earnestly we desire to hear of the cessation of the fearful struggle which afflicts it, and how fervently we hope that the system of slavery, which has caused the war, will perish with it. That the struggle between slavery and freedom has arisen from your elevation to the presidential chair, we take the liberty of considering as the highest honor which could be accorded to you.

We deem it disrespectful to yourself, and to the great people whom you are called to govern, to pronounce any opinion on your political measures; but we beg permission to assure you of our full appreciation of the heavy burden of responsibility under which you labor, and our earnest desire that you may be able to accomplish an object which must be dear to every philanthropic heart—the freedom of the slave. Should this be, as we devoutly hope, one of the issues of the war which now distresses your people, we believe that a more hearty and confiding amity will be cemented between them and the people of Great Britain than has ever previously existed.

Meanwhile we trust that neither the severity of criticism nor the apparent complicity of some British citizens, in upholding slavery, will be allowed to disturb the good will which ought ever to prevail between two great nations so

closely allied; and we welcome with sincere satisfaction, as an expression of national good will, the liberal contributions by American citizens to the relief of our distressed operatives.

To this expression of our sympathy we desire to add our prayers that you may be divinely guided through the difficulties of your exalted position, and that, in the emancipation of millions of bondsmen, the afflicted widows and orphans of your people may find some alleviation of their sorrow.

With sentiments of profound respect, we are, sir, your obedient servants.

Signed in behalf of the meeting—

GEORGE THOMAS, *Chairman.*

BRISTOL, *January 28, 1863.*

VOICE FROM SCOTLAND.

To his excellency Abraham Lincoln, President of the United States of America:

SIR: We who offer to you this address are citizens of Glasgow, in public meeting assembled; and, through our chairman, now approach you with all the respect due to your position as constitutional chief of a great nation, linked to ourselves by innumerable ties of lineage, of language, of social and material interests, and of religious faith.

We have been long accustomed to regard with veneration and gratitude the founders of that great republic, of which you are now the legitimate head. Throughout the past career of the United States we have followed, with feelings of genuine friendship, every step by which the liberties of our race have been widened, education has been advanced, and the various elements of a noble public prosperity have been developed by the free action of a self-governing people.

One thing alone has restricted our sympathies, namely, the continued enslavement and consequent degradation of certain children of that God who "hath made of one blood all nations of men for to dwell on all the face of the earth."

Since, however, through the disruption initiated by the slave power itself, a way is being opened up to the entire enfranchisement of every slave in America, and decisive steps are being taken towards extending to ALL the rights of citizenship, independently of any distinctions of color, our heartiest sympathies have been with you, your government, and your people.

By the distinct adoption of an anti-slavery policy your administration will seal the doom of "the sum of all villainies," and command the respect of all who desire that "the bonds of wickedness should be unloosed and the oppressed set free."

We regard the proposition and attempt, now made for the first time in the history of the world, to establish a nation upon the basis of slavery as infamous in itself and an unparalleled outrage upon humanity at large. Do not, we entreat you, give heed to those who, covertly seeking their own ends, regardless of consequences or principles, would sow the seeds of discord between our country and your own. The great heart of the British people beats, we assure you, true to freedom. Freemen ourselves, our hearts go forth to freemen. We recognize as the plain issue of the contest, now tasking the heroism and self-sacrifice of America, the question whether the slave power shall master a continent for itself or be overthrown as a curse unto the earth. As men, owning one brotherhood with the great human family, and worshipping one God, even the Father of all, we can do no other than hold slavery accursed, and rejoice at every blow that deprives it of authority and strength. We feel assured that those who would divide our nation's sympathies from you in this terrible struggle are

chiefly those who oppose liberty at home, and who are ever ready to distract our people by foreign excitements. They are becoming more and more powerless as your government develops more and more fully an anti-slavery policy, and they will entirely lose all power to foment quarrels between America and Britain from the very day in which your country is established, without any sectional exception, as the "home of the free," and when America practically exemplifies its entire belief in the words of its great founders, "All men are created free and equal."

Within the brief period of your excellency's presidency more has been done for the glorious work of emancipation than during the whole preceding period of the existence of the United States. We honor you, and we congratulate you. The world has learned during your presidency that America cannot stop short of the complete, absolute, and final uprooting of the iniquity of slavery; and as freemen we rejoice in every measure tending to hasten this great consummation.

That the day may soon dawn when no slave shall tread American soil from north to south, and the United States become in deed and of a truth the United States of freemen; that, from year to year, the ties binding our beloved country and your own may be strengthened, and our citizens be united with each other in bonds of amity and peace; and that you, sir, when your term of office expires, may be known as the President who saved his country by doing righteously, and unloosing the heavy burdens of an oppressed race, is our sincere and earnest hope and prayer.

In name and by appointment of the meeting—

WM. GOVAN, JR., *Chairman.*

CITY HALL, GLASGOW, *February 4, 1863.*

At Glasgow, and within the city hall there, on the evening of Wednesday, the 4th day of February, in the year of our Lord 1863, on the occasion of a great public meeting of the citizens summoned to consider the subject of emancipation in America, and which meeting was attended by upwards of 2,000 persons, representing all classes of the community, Bailie Govan, one of the magistrates of the city of Glasgow, being called to the chair, the following resolutions were passed by overwhelming majorities, viz:

Moved by Councillor Brown; seconded by Councillor Alexander:

1. That Bailie Govan do now assume the chairmanship of the meeting.

Moved by the Rev. Dr. Wm. Anderson; seconded by John MacGavin, esq.:

2. That this meeting of the citizens of Glasgow, publicly convened, desires to give expression to its deep sympathy with the sufferings endured by the people of the United States of America in the dire struggle now raging, and its cordial approval of every measure favorable to the abolition of slavery taken by the government and people; that this people desires to express its hope and prayer and confidence that, as the result of the present contest, personal freedom will be secured to every inhabitant of the western continent, so that the disgrace and sin of slavery may speedily, completely, and forever pass away from the civilized world.

Moved by the Rev. William Arnet; seconded by the Rev. Henry William Crosskey:

3. That this meeting hails the opening of the present year as the beginning of an epoch of closer friendship and more extended intercourse between the people of Britain and America.

Moved by Councillor Moir; seconded by Councillor Burt, and supported by Mr. James Wilkenson:

4. That the foregoing resolutions and the address, after signature by the chairman, be forwarded to the President of the United States.

Moved by J. W. McGregor, esq., and seconded by Councillor Thomson:

5. Vote of thanks to the chair.

WM. GOVAN, JR., *Chairman.*

Mr. Adams to Mr. Seward.

[Extracts.]

No. 316.]

LEGATION OF THE UNITED STATES,
London, February 6, 1863.

SIR: I transmit herewith a copy of the Queen's speech delivered through a commission to both houses of Parliament on the opening yesterday.

* * * * *

I have the honor to be, sir, your obedient servant.

The speech of the lords commissioners to both houses of Parliament, on Thursday, February 5, 1863.

MY LORDS AND GENTLEMEN:

* * * * *

Her Majesty's relations with foreign powers continue to be friendly and satisfactory.

Her Majesty has abstained from taking any step with a view to induce a cessation of the conflict between the contending parties in the *North American States*, because it has not yet seemed to her Majesty that any such overtures could be attended with a probability of success.

Her Majesty has viewed with the deepest concern the desolating warfare which still rages in those regions; and she has witnessed with heartfelt grief the severe distress and suffering which that war has inflicted upon a large class of her Majesty's subjects, but which have been born by them with noble fortitude and with exemplary resignation. It is some consolation to her Majesty to be led to hope that this suffering and this distress are rather diminishing than increasing, and that some revival of employment is beginning to take place in the manufacturing districts.

Extracts from the debate in the House of Lords.

[From the London Daily News of February 6, 1863]

THE EARL OF DUDLEY'S REMARKS.

Her Majesty told their lordships on this occasion, as she had told them on previous occasions, that the relations of this country with foreign powers remained friendly. That was a matter of the greatest consequence to this country, because

it was to this rather than to our army and navy that we looked for the peace of the world. That peace was unfortunately broken in the far west. An effort which had been made to induce her Majesty's government to intervene, and put down the war in America, had been rightfully rejected by them, inasmuch as any such proposition must have fallen to the ground, looking at the temper in which the combatants were at the time, and in which they still continued, in regard to this country. It could not, however, be for a moment supposed that it was not the interest of this country that the war should cease. Leaving humanity out of the question, and looking merely to the commercial interests of the country, and to the distress which the war had caused in England, he could not but feel that we had strong reasons for the termination of that war. He did not think there was any likelihood, inasmuch as we had declared that our course should be neutral between the two parties, of our doing anything which would embitter the feelings already so hostile towards this country. He was at a loss to know why this hostile feeling should exist, for, in all truth and honesty, our neutrality had been real. That on both sides in America, both in the north and in the south, efforts should have been made to induce us to a breach of our neutrality, and to show to the world, by outward and visible signs, that such breach had occurred, was not to be wondered at, but he did say that there, in the House of Lords, in the House of Commons, and in the country at large, the only desire was to honestly observe a neutrality in this unfortunate quarrel. Despite all said and done across the Atlantic against this country, we could bear it. We were prepared to receive from the other side, as merely arising from the excitement and disturbed state of feeling which prevailed there, remarks not founded in truth and justice, and the dignity of this country could afford to pass them by in silence. With regard to the distress in the manufacturing districts, the noble lord said that no such blow had scarcely ever before fallen on the country, but it had been met in a most noble spirit by all classes. If, however, that distress was met at the present moment, we could not expect to meet it always. We could not look to a large portion of the most industrious classes of the community being, as in a chronic condition, maintained by the outstretched hand of charity. There must be an end to that, and that end could only be brought about by a better state of things on the other side of the Atlantic. But whatever was done by England with that view could only be done consistently with her honor, and only when the appropriate moment arrived. [Hear, hear.] Though it was but a small consolation, he might observe that the distress in the cotton districts had shown that in the days in which we lived far more confidence might be placed in the people at large—in their good sense, forbearance, and courage—than we learnt from history could have been the case in times gone by. A greater trial than the one they were now suffering could scarcely be possible, but their conduct had excited the admiration of all. It was but fair to acknowledge—it had been said over and over again, but it would come with greater weight on an important occasion like the present, at the first meeting of their lordships—that to such admirable conduct the country owed its escape from that disturbance and violence which had prevailed in similar periods of distress in times past. [Hear.] Speaking of the relief of that vast distress, he would be wanting in memory and gratitude if he did not say that not only England herself, but England's sons all over the world, and especially in the colonies, had been amongst the most ready to send contributions home to relieve such distress. [Hear, hear.] He might go one step further, and say that if there was one bright spot in America, it was that, amidst all her troubles, she had not forgotten to dispense her charity among our suffering people in Lancashire. [Hear, hear.]

LORD GRANARD'S REMARKS.

He now came to that part of the royal speech to which prominence was given by the publication of the French despatch relative to mediation in the civil war in America. However much their lordships might deplore a war which had so materially affected us, and however we might hope for a speedy cessation of hostilities, he hoped their lordships would agree in the prudence which dictated the government policy of non-intervention; and be of opinion that intervention would only have produced intense irritation among the American people, might have given rise to unpleasant complications, and certainly would have had no effect in terminating the war. It was, therefore, much safer to leave to the Emperor of the French the task he had imposed on himself, in the hope that his advice would be accepted by the American people.

[From the London Morning Star of February 6, 1863.]

THE EARL OF DERBY'S REMARKS.

I must turn to another topic which has engaged the painful attention of all her Majesty's subjects, and I would say that I have no cause to find fault with the manner in which her Majesty's government has acted in the desolating warfare that is being carried on in the States of America. I may regret that her Majesty's government did not accede to the wishes of the Emperor of the French and endeavor to use such good offices as might lead to the two parties themselves reflecting on the effects of the war in which they are engaged; but, before I venture to censure, I must say that her Majesty's government were in possession of better information as to what would be the consequences of such a step, and I prefer to abide until the information received from her Majesty's minister abroad is before me. But your lordships must recollect that, before any mediation could be effective on the part of the neutral powers, they must be satisfied that the parties between whom mediation was proposed were satisfied with the terms on which mediation was offered. The question in the present instance is not of degree, but of fundamental principle. On one side the struggle is for union, on the other side for separation; consequently, any nation offering to mediate must decide whether they will proceed on the principle of union or of separation; and that difficulty must be met at the outset. It had been said by many that the time had arrived when Great Britain ought to recognize the southern States. I cannot bring my mind to the conclusion that it was wise or politic to recognize the south. In all precedents there is one of two circumstances present to justify the recognition of a struggling state: either although the recognition of the revolting state has not been recognized by the parent as *un fait accompli*, yet the war was at an end, as in the case of the South American colonies which revolted from Spain; or, where, in the interests of humanity, other nations determined to put an end to a desolating war, the recognition was followed by an intervention, as in the cases of Belgium separating from Holland, and Greece from Turkey. I believe that the restoration of the States to their former position is absolutely impossible. Even at an early period of the war it was felt that, if the north separated from the south, any cordial reconciliation was impossible; but, as events proceeded, this feeling became stronger. It is my firm conviction that there is no possibility to re-establish the Union. At the same time they must recollect that the entire southern seaboard is in the hands of the north, and, while that is so, it is not possible to say that Great Britain ought to interfere by force of arms and dictate the terms on which the war must cease. I approve of the entire neutrality which her Majesty's government has carried out. It is impossible for any man not to desire that this desolating war-

fare may be brought to a close, and I am sure that any government would take the earliest possible opportunity to tender its good offices; but, at present, there is no prospect but that the war must go on till either party shall be exhausted. At the same time I cannot entertain the opinion that the cessation of the war would restore Great Britain to the position in which we have been with respect to the supply of cotton before the war broke out.

EARL RUSSELL'S REMARKS.

Passing from that topic to the question upon which the noble earl spoke at considerable length, I mean that of the United States, I believe her Majesty's government have exercised a wise discretion in not giving that advice which the Emperor of the French proposed we should give to one of the belligerents; and, for this reason, that a time may come when those belligerents, exhausted by the struggle, may wish to refer to some other powers to assist them in procuring that peace which is so desirable. As to the question of recognition, the noble earl is aware that there are two kinds of recognition—one in which you assist a power against its adversary. Such were, in old times, the cases of Holland and Portugal, and, in modern times, Belgium and Greece. But no one, I believe, in this country desires a forcible intervention on behalf of either of the parties to the American struggle. The questions of Holland and Portugal, and Belgium and Greece, were manageable matters compared to the dreadful importance of attempting to give victory to one of the parties to the struggle in America. But recognition takes place under other circumstances, namely: when it is obvious that one of the parties has been exhausted in war, and when the attempt to make the other submit to its authority has failed. The American struggle has not nearly reached that state of things that struggle in different parts of America is kept up, I will not say with undiminished, but with increased power and increased rancor. Therefore, nothing could be more unwise than at present to have recourse to the plan recommended. One thing might be the result of this struggle, namely: the subjugation of the south by the north; and, in that event, the Union might be re-formed. If feelings of attachment could be revived, and the north and the south were again united in one, no one would rejoice more than myself. If, on the other hand, the north were to fail, and separation were finally decreed by events, I should be glad to see peace established on those terms. But there would be one event which would be a calamity to the world, and more especially to the negro race, and that would be the subjugation of the north by the south. One of the first consequences of such subjugation must be, that the north must renounce all her former policy, must put down a free press and free discussion. That would produce anarchy, and the cause of liberty would suffer in America for a century to come. I hope that, whatever may be the end of this contest, such may not be the result. I trust we shall see, at the end of this struggle, the people of America enjoying, whether in one or two great republics, independence and power. For my own part, before this contest began, I rejoiced in the progress of the United States of America. The flourishing state of a people descended from the same ancestors as ourselves, and possessing laws of personal liberty similar to our own, was a sight in which Englishmen might rejoice. I should indeed lament if, at the end of the struggle, we should find that people deprived of those benefits and privileges which dignify and adorn mankind. The noble earl alluded to a very painful topic—the distress in Lancashire. Far be it from me to attempt to follow him upon a subject with which he is so much better acquainted than myself; but there is one topic in which he did not dwell in a manner which I think every member of the house must have felt he would have been justified in doing—I mean the magnificent contribution which he himself made for the relief of that distress. (Cheers.) One thing is greatly to be desired, namely: that the differences

which existed within the last twenty years between the manufacturing and the great landed interests of this country should be terminated by acts of charity and good will. (Hear, hear.) Now, the example of no man could be so powerful as that of the noble earl, and I think the country owes him a great debt of gratitude for the part he has taken in relieving the Lancashire distress. (Cheers.) I now come to topics upon which the noble earl and myself most certainly differ. He seems to think that I am disposed to meddle everywhere. But, with regard to the United States, we were asked to give advice, and her Majesty's government refused to give any advice whatever.

Mr. Seward to Mr. Adams.

No. 472.]

DEPARTMENT OF STATE,
Washington, February 10, 1863.

SIR: I write at the last hour, without having received the mails of the Europa.

The public journals contain the details of the recent surprise of the Mercedita at Charleston, which show that the idea of the insurgents that they had raised the blockade at that port was illusory. The activity of the forces in that vicinity, and also of the forces at Vicksburg, will not escape your attention.

The battle at Fort Donelson was a decided triumph of the Union arms, and greatly strengthens the position of General Rosecrans.

You will receive herewith a copy of a correspondence which has recently occurred between the French minister for foreign affairs and this department, which may be useful to you as an exposition of the policy and purposes of that government.

There is good reason to expect that the important bills designed to enable the President to prosecute the war with vigor and diligence will pass the Congress by decisive majorities.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 319.]

LEGATION OF THE UNITED STATES,
London, February 12, 1863.

SIR: I had a conference with Lord Russell at the foreign office on Saturday last, the first object of which was to show him a copy of the President's answer to the Manchester address, before sending it agreeably to the suggestion made in your despatch No. 452. He read it, and expressed himself gratified with the compliment conveyed in submitting it to him.

I seized the opportunity to speak to him upon the subject of the capitulation of the Scheldt dues, as I was instructed to do by your despatches (No. 436 and 437) of the 30th of December and 2d of January. I ought to observe that I had previously received a visit from M. Van de Weyer, the Belgian minister at this court, who came apparently under the impression that I was empowered to complete the negotiation on the part of the United States. He gave me the information respecting the assent of the British government, not merely to the principle but to the detail of the compensation, which he had supposed to be all that was necessary to secure a similar proceeding on my part. I explained the

extent of my authority by reading to him your despatches. I promised him, however, that I would at once obtain from Lord Russell his official confirmation of the facts he had stated to me, and report them to you. This was accordingly done in the present conference. His lordship, after having been reminded by me of the way in which the matter had been left between us at our meeting on the 9th of May last, explained the terms on which the agreement had been made between the British government and Belgium. Assuming the gross sum of compensation to Holland to be thirty-six millions of francs, I think I understood him to say that he had agreed to a contribution of about six or seven millions in the ratio of the British commerce. But accuracy in the precise sum is of little importance in this despatch, as all that you desired to know from this court was the fact of an arrangement. Mr. Van de Weyer during his visit read to me a part of a despatch from his government, which, applying the same rule of proportion to the commerce of the United States, made their share somewhere about a million and a half of francs, payable 1st of April, 1864, I think. He promised to send me a note of the particulars, but he has not yet done it. Neither have I thought it necessary to ask it, because the negotiation will now undoubtedly resume its natural and direct channel. I understood Lord Russell to say that Belgium was to act without regard to the contingency of obtaining these contributions from other powers.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.]

No. 320.]

LEGATION OF THE UNITED STATES,

London, February 12, 1863.

SIR: The non-arrival of the regular weekly steamer, the *China*, has left me without the usual advices from the department.

Deeming it proper, that the answer of the President received with your despatch (No. 452) of the 15th of January should be transmitted to the chairman of the Manchester meeting with at least as much form as accompanied the reception of their address, I sent my assistant secretary, Mr. Moran, to Manchester on Tuesday last with instructions to place the letter in the hands of Mr. Heywood. That gentleman expressed himself much gratified. The letter is printed in most of the newspapers of this morning.

I now have the honor to transmit similar addresses or resolutions received from the officers of meetings held at Leeds, in Yorkshire; at Galashiels, near Edinburgh; at Bath, in Somerset; at Bromley; and at South London, or Southwark. The newspaper reports also accompany some of them, as they convey an idea of the spirit manifested in these assemblies. One character is found to pervade them all.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

Resolutions from Leeds, February 3, 1863.

Resolutions from Galashiels, February 5, 1863.

Resolutions from Bath, February 2, 1863.

Resolutions from Bromley, (printed,) February 2, 1863.

Resolutions from South London, February 3, 1863.

Edinburgh Weekly Herald, February 7, 1863. } Not received by clerk.

Leeds Mercury, February 4, 1863.

Copy of resolutions adopted at a public meeting held in the borough of Leeds, in the county of York, England, on Tuesday evening, February third, one thousand eight hundred and sixty-three, for the purpose of expressing abhorrence of the slavery on which the confederate policy is founded, of approving the anti-slavery action of the northern government, and of supporting the English ministry in resisting all forms of intervention or recognition of the southern States.

Edward Baines, esq., M. P., in the chair.

Resolution 1. That this meeting expresses its horror of negro slavery, more especially of the form of negro slavery existing in the Confederate States; that it sees with strongest disapprobation the opinions expressed by ministers of our Christian churches in the southern States as to the divine origin and scriptural sanction of this detestable system; and that it believes the founding of a nation on such a basis would be a calamity to the world.

Resolution 2. That this meeting earnestly desires and hopes that the present calamitous war in America, begun by the southern States to perpetuate and extend slavery, may be overruled by Divine Providence to its overthrow, and to the raising of four millions of oppressed negroes from the condition of chattels and beasts of burden to that of free and responsible men. It recognizes with pleasure the growth of anti-slavery feeling in the northern States; and that President Lincoln's policy in such measures as the exclusion of slavery from the Territories, its abolition in the District of Columbia, and the constitutional scheme of voluntary emancipation in the loyal slave States, not less than his proclamation of liberty to the slaves in seceding States, has tended powerfully and practically towards the entire abolition of slavery in North America.

Resolution 3. That this meeting highly approves of the conduct of the government in abstaining from recognizing the Confederate States or interference between the contending parties in the lamentable contest now going on in the United States of America, and expresses its earnest trust that the same policy may still be persevered in.

Resolution 4. That copies of the foregoing resolutions be forwarded to Mr. Adams, the American ambassador in London, and that he be requested to transmit the same to his government.

WM. H. PULLEN,
Secretary pro tem.

At a public meeting of the inhabitants of South London, held in the lecture hall of Taylor's repository, Southwark, on Tuesday, February 3, 1863, W. J. Haynes, esq., presiding, and at a large open air meeting, held simultaneously

with the above by those persons who could not be accommodated in the hall, Mr. J. Sanell presiding, the following resolutions were enthusiastically and unanimously adopted:

It was moved by the Rev. Wm. Barker, seconded by George Thompson, esq., supported by the Rev. Mr. Hawkins, and—

“*Resolved*, That this meeting heartily unites in the general joy and thanksgiving which has been called forth by the proclamation issued by the President of the United States on the 1st January, 1863, by which more than three millions of slaves in the United States were declared thenceforward and forever free; and is of opinion that the promulgation of that decree, founded not less on justice and the inalienable rights of slaves than on considerations of military necessity, entitles Mr. Lincoln to the sympathy, encouragement, and moral support of the friends of freedom throughout the world.”

It was moved by the Rev. J. H. Rylance, seconded by Mr. W. S. Northouse, and—

“*Resolved*. That the chairman be desired to forward a copy of the foregoing resolution to his excellency C. F. Adams, the American minister, with the request that he would forward it to the President of the United States.”

Forwarded to his excellency the American minister February 10, 1863.

W. J. HAYNES, *Chairman*.

At a numerously attended meeting of the citizens of Bath, held at the Guildhall on the evening of Monday, 2d February, 1863, Jerome Murch, esq., in the chair, the following resolutions were carried by overwhelming majorities.

RESOLUTION 1.

Moved by the Rev. R. Brindley, seconded by Handel Cossham, esq.:

“That this meeting, in deploring the present unspeakable calamities of America, desire never to forget that the war originated in the determination of the southern States to extend and perpetuate slavery; that regarding this institution with the greatest possible abhorrence as contrary to the principles of Christianity, and as the source of the most fearful evils, it is our duty to sympathize in the efforts made by the President and government of the United States for its entire abolition; and while we lament most sincerely the fearful sacrifices involved in the struggle between people so long and so closely connected, we would give our most fervent wishes to all who aim at the complete and final extinction of slavery; we would mourn with them in their trials and rejoice in their successes, believing that such are the sentiments most worthy of the people of England.”

RESOLUTION 2.

Moved by the Rev. W. Mattran, seconded by Mr. Alderman Hancock:

“That this meeting earnestly desire that the people of this country may continue in the closest amity by ties of kindred, friendship, and commerce, with the people of the United States, and trust that the wisdom of the mother country may aid in removing all causes of misunderstanding and alienation between the two peoples; and we take this opportunity of expressing our deep gratitude to the citizens of the free States for their thoughtful generosity, amidst their own pressing claims, in contributing towards alleviating the distress now so prevalent among a large portion of our laboring population.”

RESOLUTION 3.

Moved by Mr. R. P. Edwards, seconded by the Rev. D. Wassell:

“That this meeting desire that copies of the foregoing resolutions be forwarded to the President through his excellency the American ambassador at London.”

JEROME MURCH,

Chairman of the Meeting.

Resolutions agreed to at a public meeting of the inhabitants of Galashiels held in the Corn Exchange on the evening of the 5th of February, 1863.

First. “That this meeting recognizing the common brotherhood of mankind, and the sacred and inalienable right of every human being to personal freedom and equal protection, records its detestation of negro slavery in America, and of the attempt of the rebellious southern slaveholders to organize, on the great American continent, a nation having slavery as its basis.”

Second. “That this meeting, composed mainly of working men of Galashiels, desires to record its profound sympathy with the efforts of President Lincoln and his colleagues to maintain the American Union in its integrity, and also the high sense of the justice of his proclamation of emancipation and other measures tending to give freedom to the slave and restore peace to the American nation.”

Third. “That the foregoing resolutions be signed by the chairman, and forwarded to the American ambassador in London, desiring him to send them to his excellency Abraham Lincoln, President of the United States of America.”

WILLIAM TRATER, *Chairman.*

Mr. Adams to Mr. Seward.

No. 321.]

LEGATION OF THE UNITED STATES,

London, February 13, 1863.

SIR: In obedience to your instructions contained in despatch No. 454, I called the attention of Lord Russell, in my conference of Saturday, to the reply made by him to my note of the 20th of November last, claiming reparation for the damage done by No. 290, and security against any repetition of the same in future. I observed that my government had not yet authorized me to say anything in regard to the answer on the first point; but with respect to the second, his lordship's suggestion of possible amendments to the enlistment laws in order to make them more effective had been favorably received. Although the law of the United States was considered as of very sufficient vigor, the government were not unwilling to consider propositions to improve upon it.

To that end I had been directed to ask whether any such had yet been matured by her Majesty's ministers; if so, I should be happy to receive and to transmit them to Washington. His lordship, repeating my remark that my government considered its present enlistment law as sufficiently effective, then added that since his note was written the subject had been considered in the cabinet, and the lord chancellor had expressed the same opinion of the British law. Under these circumstances he did not see that he could have any change to propose.

I replied that I should report this answer to my government. What expla-

nation the government was ready to give for its utter failure to execute a law confessed to be effective did not then appear.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 322.]

LEGATION OF THE UNITED STATES,

London, February 13, 1863.

SIR: The papers transmitted with your despatch (No. 454) of the 19th of January seemed to me to carry so much confirmation of all the various allegations made in my preceding series of notes to Lord Russell respecting the systematic abuse of the neutrality of this kingdom by the rebels, that after going over the subject in last Saturday's conversation with his lordship, I determined, with his assent, to make them the basis of a formal remonstrance to this government. A copy of the result, as drawn up in the form of a note to Lord Russell, dated the 9th instant, together with a list of the papers subjoined, is forwarded herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, February 9, 1863.

MY LORD: I have the honor to present to your lordship's attention a number of papers transmitted to me by my government as faithful copies of an intercepted correspondence emanating from persons well known to be high officers of the so-called authorities now stationed in Richmond, in the insurgent portion of the United States.

These papers go to show a deliberate attempt to establish within the limits of this kingdom a system of action in direct hostility to the government of the United States. This plan embraces not only the building and fitting out of several ships of war under the direction of agents especially commissioned for the purpose, but the preparation of a series of measures under the same auspices for the obtaining from her Majesty's subjects the pecuniary means essential to the execution of those hostile projects.

That the person named Sinclair, to whom the supervision of the construction of the vessels referred to is entrusted, has arrived in this country, is a fact made known to me. I have reason to believe that he is still here, and actually engaged in the service for which he was sent. Of the presence of Mr. Mason, I believe your lordship entertains no doubt. Of the action of Messrs. Fraser, Trenholm & Co., as agents of the same parties at Liverpool, I have already had frequent occasion to write.

Taken as a whole, these papers serve most conclusively to show that no respect whatever has been paid in her own realm by these parties to the

neutrality declared by her Majesty at the outset of these hostilities; and that so far as may be in their power, they are bent on making her kingdom subservient to their purpose of conducting hostilities against a nation with which she is at peace. I trust I may be permitted to add, that if my government could have been induced in any way to initiate similar operations within the limits of this kingdom, I should have regarded it as very justly subject to the remonstrances which your lordship has been pleased to address to me on account of acts of incomparably smaller significance.

I pray your lordship to accept the assurance of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

[Enclosures from National Intelligencer, January 17, 1863.]

1. Mr. Benjamin to Mr. Mason, (No. 7.) September 26, 1862; and after the third paragraph, all of Mr. Benjamin's No. 6 to Mr. Slidell, from "Events of," &c., to "four major generals;" and enclosure No. 4, from Mr. Benjamin to Mr. Mann.
2. Mr. Benjamin to Mr. Mason, (No. 8.) October 28, 1862.
3. Mr. Memminger to Mr. Mason, October 24, 1862.
4. Rebel act for exchange of bonds, April 21, 1862.
5. Copy of \$1,000 rebel bond.
6. Copy of produce certificate.
7. Mr. Memminger to Mr. Mason, October 25, 1862.
8. Mr. Mallory to Mr. Mason, October 26, 1862.
9. George N. Sanders to Reid Sanders, August 25, 1862.
10. Undersigned letter to Mr. Mallory.
11. Note implicating W. S. Lindsay and others.
12. Mr. Mallory to Mr. Memminger, October 27, 1862.
13. Mr. Memminger to Mr. Mallory, October 30, 1862.
14. Mr. Mallory to Mr. Mason, October 30, 1862.
15. Mr. Memminger to Fraser, Trenholm & Co., October 21, 1862.
16. Same to James Spence, Liverpool, October 21, 1862.
17. Mr. Memminger to Fraser, Trenholm & Co., October 24, 1862.
18. Same to same, October 28, 1862.
19. Mr. St. John to Mr. Smith, October 28, 1862.

Mr. Adams to Mr. Seward.

No. 324.]

LEGATION OF THE UNITED STATES,
London, February 13, 1863.

SIR: I have received from Mr. Sprague, the consul at Gibraltar, a telegram announcing that the Sumter left the port of Gibraltar on the night of the 7th instant, in a very high wind, when it was impossible to communicate with the Chippeway. He reports her as bound westward.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 475.]

DEPARTMENT OF STATE,
Washington, February 13, 1863.

SIR: The mails of the "Europa" have arrived at last. Your despatch of the 22d of January (No. 300) has been received, and with it the proceedings and resolutions of the popular meetings recently held at Chesterfield, Salsford, and Cross Hills. The President is highly gratified with those demonstrations of good feeling towards the United States, and desires you to make his satisfaction known to the parties by whom this generous support is given, in such an unostentatious manner as shall carry with it evidences of sincerity, and, at the same time, be consistent with the courtesy due to the British government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 476.]

DEPARTMENT OF STATE,
Washington, February 14, 1862.

SIR: The President has received the proceedings of a public meeting of the inhabitants of Cobham, in which they express a very earnest interest in the success of this government in the unhappy civil war in which it is engaged, and in the triumph of the sacred cause which is involved in the struggle. These proceedings were transmitted by Mr. Benjamin Scott, who acted as chairman of the assembly.

You are authorized to make known to Mr. Scott the President's high appreciation of this sympathy with our country in such a manner as shall be consistent with the courtesy due to her Majesty and her Majesty's government.

Mr. Scott's address is Heath House, Wexbridge, Surrey, and Chamber of London, Guildhall, E. C.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 478.]

DEPARTMENT OF STATE,
Washington, February 14, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 304) of the 23d ultimo, relative, to your calling Earl Russell's attention to an instance during the Crimean war, in which it seems that Great Britain demanded the restitution of a vessel in circumstances similar to those which belong to the case of the Emily St. Pierre, and to inform you that your proceedings, as therein stated, are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 479.]

DEPARTMENT OF STATE,
Washington, February 14, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 301) of the 22d ultimo, relative to your remonstrance against the departure of the steamer *Georgiana* from Liverpool, and to inform you that your proceedings in the matter are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 483.]

DEPARTMENT OF STATE,
Washington, February 19, 1863.

SIR: Your despatch of the 29th of January (No. 310) has been received, together with the copy of the correspondence which has recently passed between yourself and Earl Russell on the subject of the Alabama, or 290. Your reply to his lordship is approved, and it seems only necessary, so far as that particular case is concerned, to repeat what was said, in effect, in my instruction No. 454, that this government does not think itself bound in justice to relinquish its claim for redress for the injuries which have resulted from the fitting out and despatch of the Alabama in a British port.

This government is very desirous to avert occasions of irritation and complaint, which necessarily tend to produce alienation between even the most friendly powers. And it is more especially inclined to this policy in its intercourse with Great Britain. The President is therefore hopeful that her Majesty's government will act upon the idea of which an intimation has been given by Earl Russell, namely, of proposing some amendments to the foreign enlistment acts of the two countries. You may, perhaps, mention the subject to Earl Russell, informally, with some advantage.

I send you a copy of the notes which have passed between Mr. Stuart and Lord Lyons on one side, and myself on the other, in relation to the seamen of the *Sunbeam*. I think it will show that my decision in that case affords no support to the British government in the case of the Alabama.

The Senate has prepared a bill which confers upon the President of the United States the power to grant letters of marque and reprisal in any war in which the country may at any time be engaged, and it is expected that the bill will become a law. Lord Lyons suggests that the transaction may possibly be misapprehended abroad, if it come upon foreign powers suddenly and without any explanations. You will be at liberty to say that, as the bill stands, the executive government will be left at liberty to put the law in force in its discretion, and that thus far the proper policy in regard to the exercise of that discretion has not engaged the President's attention. I have had little hesitation in saying to Lord Lyons that if no extreme circumstances occur, there will be entire frankness on the part of the government in communicating to him upon the subject, so far as to avoid any surprise on the part of friendly nations, whose commerce or navigation it might be feared would be incidentally and indirectly affected, if it shall be found expedient to put the act in force against the insurgents of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

List of papers with instructions No. 483 to Mr. Adams.

Mr. Stuart to Mr. Seward, November 1, 1862, with an accompaniment.
 Mr. Seward to Mr. Stuart, November 3, 1862.
 Mr. Stuart to Mr. Seward, November 9, 1862, with an accompaniment.
 Mr. Seward to Mr. Stuart, November 12, 1862.
 Mr. Welles to Mr. Seward, November 25, 1862, with accompaniments.
 Lord Lyons to Mr. Seward, February 17, 1863.
 Mr. Seward to Lord Lyons, February 19, 1863.

Mr. Adams to Mr. Seward.

No. 327.]

LEGATION OF THE UNITED STATES,
London, February 19, 1863.

SIR: I have received with your despatch (No. 465) of the 2d of February a note of the President, which I am directed to transmit to the workmen of London, in answer to the address voted at their meeting on the evening of the 31st of December. At the time of writing that note the President was not aware of the much larger proportions which the popular sentiment of London had taken at the meeting of the 29th of January. Neither could he have been prepared for the multiplication of addresses, from various quarters, which has ensued. Believing myself that it would not be his wish to notice them all separately, neither would it be expected here, and that a judicious selection of a few of the more prominent ones would answer for the whole, I have thought it best to postpone sending this note until after I can learn what his views are from a more full survey of the extent of the addresses, and especially what his answer will be to the great demonstration at Exeter Hall.

I have this week to transmit only the proceedings of two meetings—one at Middletown, in Lancashire, and the other at Aberdane, in South Wales. The current of popular sentiment, however, flows with little abatement of strength, as was made manifest last night at another great assemblage at St. James's Hall, in this town. I have taken no part whatever in promoting these movements, having become well convinced that the smallest suspicion of my agency would do more harm than good. I am led to make this remark by the circumstance that the London Times has more than once endeavored to insinuate the contrary. I ought, however, in justice to Mr. Evans, the chairman of the Emancipation Society committee, and to Mr. Samuel Lucas, the principal editor of *The Star*, to bring to your notice their spontaneous and wholly disinterested labors to re-establish the amicable relations between the people of the two countries, which has been so severely shaken by the mischievous efforts of others.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Williams to Mr. Adams.

ABERDANE, *February 16, 1863.*

SIR: I have the honor to forward you annexed a copy of a resolution passed at an enthusiastic meeting held at Aberdane on the 3d instant, and I have to request that you will kindly transmit the same to the President of the United

States of America, as an evidence of the sympathy which we, as Welshmen, entertain for our transatlantic brethren, who are engaged in a painful and difficult struggle.

I have the honor to remain your most obedient, humble servant.

THOMAS WILLIAMS.

His Excellency CHARLES FRANCIS ADAMS,
Legation of the United States, London.

At a largely attended meeting held at the Temperance Hall, Aberdare, Glamorganshire, on the 3d February, 1863, the following resolution was carried unanimously:

“That this meeting, being convinced that slavery is the cause of the tremendous struggle now going on in the American States, and being further convinced that the object of the southern States is to found a government to perpetuate, strengthen, and extend chattel slavery within their territory, earnestly prays that such object may be frustrated, and that the emancipation policy of President Lincoln be carried out till not a slave be left on the American soil; and that a copy of this resolution be sent to his excellency the President of the United States.”

THOMAS WILLIAMS, *Chairman.*

RESOLUTIONS AT MIDDLETON, ENGLAND.

At a crowded meeting held in Temperance Hall, Middleton, on Monday evening, February 9, 1863, Thomas B. Wood, esq., in the chair, it was proposed and carried by a very large majority—

That this meeting desires to express its earnest sympathy with the people of the federal States of North America in their time of trouble, its hearty approval of the anti-slavery policy of President Lincoln, and its sincere wishes for its success. This meeting would also express its gratitude to the noble donors who, in the midst of dire domestic calamity, have sent provisions across three thousand miles of ocean to succor the operatives of Lancashire; and declares that, in its opinion, no possible amount of privation ought to, or will, induce the operatives of the cotton manufacturing districts to take one step towards the recognition of any confederacy based upon the doctrine that it is right for man to hold property in man.

It was further unanimously *Resolved*, That a copy of the foregoing resolution, signed by the chairman, be forwarded to the honorable C. F. Adams, minister at London for the United States.

THOMAS B. WOOD.

Mr. Adams to Mr. Seward.

No. 328.]

LEGATION OF THE UNITED STATES,
London, February 19, 1863.

SIR: In obedience to the instructions contained in your despatch (No. 462) of the 30th January, I have addressed a note to Lord Russell on the alleged proceeding of the Vesuvius steamer, a copy of which is herewith transmitted. You will perceive that I allude in it to a remark of Lord Russell's, in his last

conversation with me, which indicated an earnest desire to avoid any complications like that which is said to have happened. Yet, in view of the known proclivities of most of the naval officers in the British service, both here and at sea, I am not surprised by any action which may be imputed to them. It was, probably, with a view of guarding against this that Lord Lyons acted in the way indicated, and evidently approved by his lordship.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, February 19, 1863.

MY LORD: I have the honor to submit to your lordship's consideration the copy of a letter addressed by the head of the Navy Department to the Secretary of State at Washington, touching an averment in a Bahama newspaper of the action of the commander of her Majesty's steamer Vesuvius in transporting a large sum of money belonging to the insurgents in his vessel. I am instructed to express the belief that the statement is erroneous and untrue. But, inasmuch as information has reached me from Liverpool that precisely the amount of money named did arrive at that port on or about the time specified, and as the possibility of such a proceeding involves questions of the gravest importance in international comity, I have been directed to call the attention of your lordship to the expediency of making such investigations and giving such instructions to her Majesty's naval officers as the occasion would seem to require. At the same time that I make this communication at the wish of my government, it is no more than justly due to your lordship that I should not fail to remember the fact that, in the last conversation which I had the honor to hold with you, I understood you to say that orders had already been given through the medium of Lord Lyons, at Washington, intended to anticipate the possibility of any practices of the kind whatever in her Majesty's ships.

Renewing, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

[Enclosures.]

1. Mr. Welles's letter to Mr. Seward, January 29, 1863.
2. Mr. Memminger to Mr. Spence, October 21, 1862.
3. Statement from Bahama Herald.

Mr. Adams to Mr. Seward.

No. 331.]

LEGATION OF THE UNITED STATES,

London, February 19, 1863.

SIR: In accordance with the desire expressed in your despatch (No. 466) of the 2d February, I have transmitted to Lord Russell a copy of the resolutions

of the New York Mutual Insurance Company relating to depredations committed by No. 290.

I have the honor to be, sir, your obedient servant,
 CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, February 19, 1863.

MY LORD: At the request of my government I have the honor to submit to your lordship's consideration a copy of a memorial addressed to the Secretary of State by an association of underwriters in New York.

Renewing assurances, &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, *etc., &c., &c.*

Mr. Adams to Mr. Seward.

No. 333.] LEGATION OF THE UNITED STATES,
London, February 20, 1863.

SIR: Shortly after I received the intelligence of the arrival of the Sumter at Liverpool, I addressed a note to Lord Russell on the subject, a copy of which I have the honor to transmit herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosure.]

Mr. Adams to Earl Russell, February 16, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, February 16, 1863.

MY LORD: I have received information of the arrival of the steamer Sumter at Liverpool. Having done myself the honor to suggest to your lordship the view taken by my government of the true nature of her position at Gibraltar after the event of the nominal transformation of her by a fictitious sale, I content myself with respectfully requesting your attention to the bearing on this case of her Majesty's proclamation limiting the stay of vessels of the respective parties to the present struggle in America within her Majesty's ports.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 485.]

DEPARTMENT OF STATE,
Washington, February 24, 1863.

SIR: The mails again leave in advance of the arrival of incoming despatches. The military and naval conditions remain unchanged. Congress is diligent in loyal and effective legislation. Some little excitement has followed the publication of the recent correspondence with the French government, but the effect seems to be not unwholesome. You will give no credit to rumors of alienation between Mr. Mercier and this government.

The Canada's advices of the organization of the British Parliament, telegraphed, are not different from what was anticipated. It is manifest that the national interest is absorbed by the expectation of military achievements regarded as imminent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 486.]

DEPARTMENT OF STATE,
Washington, February 25, 1863.

SIR: I have received the proceedings of a meeting which was recently held in the borough of the Tower Hamlets, and which unanimously expressed a very earnest and generous sympathy with the United States in their contest with a rebellion not more disloyal in its character than injurious to all human society in its principles. Those proceedings have been submitted to the President, in compliance with a request of the meeting, which was communicated to this department by Harper Twelvetrees, esq., of Eversly House, Bromley, Middlesex.

It is supposed that before this time you will have discovered some mode of communicating the President's grateful responses to subjects of her Majesty who thus generously address him concerning our affairs, which mode, while it does justice to the sentiments of this government, is not disrespectful or displeasing to that of her Majesty. If this is the case, you will, in your discretion, make the proper acknowledgment to the meeting of the Tower Hamlets.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 487.]

DEPARTMENT OF STATE,
Washington, February 26, 1863.

SIR: Your despatch of the 6th of February (No. 316) has been received, together with a report of her Majesty's speech and the debate which occurred on the opening of Parliament.

If the expressions made on that occasion in regard to our affairs seem less generous than we think we might have expected, it cannot be denied, on the other hand, that they are far more tolerant than the sentiments which were understood to be prevalent in Great Britain a year ago. However this fact may be, it is manifest that the British nation is coming to understand better the true nature of the question which relates to American affairs. When our unhappy domestic disturbances began, the position practically assumed by European states seemed to be that this government, unlike every other when involved in such dangers, must either suppress the insurrection instantly, with what means it had immediately on hand, or must altogether forego the attempt at self-preservation, and succumb at once in dissolution. It would be unjust, however, to deny that this position was assumed in accordance with the inconsiderate and impatient, though unconscious, expressions of a portion of our own countrymen. Time has brought wholesome instructions to all parties, and it is now beginning to be understood that the real question in regard to this country is not whether the government has at once and everywhere suppressed the insurrection, but whether a needless, causeless, and ruinous revolution, injurious to all human society, has been effected. When the public mind on both continents comes to consider our affairs in this light, it perceives that the revolution has been going backward, and the Union going forward, from the very beginning of the civil war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 334.]

LEGATION OF THE UNITED STATES,
London, February 26, 1863.

SIR: I have received, since the date of my last, despatches from the department numbered from 467 to 472, both inclusive.

In relation to the subject referred to in your No. 467, of the 3d of February, I have to report that I have as yet made no change from the course marked out in my despatch (No. 327) of the 19th instant, as I prefer to wait for the answer to the great meeting at Exeter Hall on the 29th of last month.

In the mean time further manifestations of the popular feeling are coming to hand. I have the honor to transmit another address from Aberdane, in South Wales, together with resolutions passed at meetings held at Oldham and at Rawtenstall, in Lancashire, Luddenden Foot, Yorkshire, Paisley and Edinburgh, in Scotland, and Carlisle, in Cumberland, together with copies of newspapers containing full reports of the proceedings at several of these places.

I have appointed to-morrow, Friday, at 3 o'clock, as the time to receive a deputation from Birmingham, charged with an address signed by many thousand names, which, should it come in season for the bag, you will find accompanying the papers already mentioned.

With respect to the enclosures accompanying my No. 298, the absence of which you note in your No. 468, of the 3d of February, I find, on inquiry of Mr. Morau, my secretary, that they had been addressed to the President. Hence I infer that they must have taken their destination to him before they were identified at the department.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures and accompanying documents.]

1. Resolutions from second meeting at Aberdane, February 5, 1863.
2. Resolutions from second meeting at Oldham, February 18, 1863.
3. Resolutions from second meeting at Rawtenstall, February 18, 1863.
4. Resolutions from second meeting at Luddenden Foot, February 19, 1863.
5. Resolutions from second meeting at Paisley, Scotland, February 16, 1863.
6. Resolutions from second meeting at Edinburgh, February 19, 1863.
7. Resolutions from meeting at Carlisle, February 19, 1863.
8. Weekly Herald, February 21, 1863.
9. Burg. Times, Lancashire, February 21, 1863.
10. Carlisle Examiner, February 21, 1863.
11. Manchester Examiner and Times, February 25, 1863.
12. Address to President of 13,500 inhabitants of Birmingham.
13. Resolutions passed at Menthy Tedfil, February 2, 1863.
14. Address to President from same.
15. Memorandum with Birmingham address.

RESOLUTIONS AT EDINBURGH.

Copy of resolutions passed at a large and enthusiastic meeting of the working-men of Edinburgh, held in Brighton Street Chapel on Thursday, February 19, 1863.

First. Resolution moved by Mr. George Lorimer, and seconded by Mr. Reid :

“That regarding American slavery in all its phases with the deepest abhorrence as a most iniquitous and indefensible system, this meeting hereby declares it has no sympathy with any slaveholding interest, either at home or abroad.”

Second. Resolution moved by Mr. David Lewis, and seconded by Mr. Somerville :

“That remembering the anti-slavery opinions avowed by President Lincoln during his election contest, the manifest tendency of his present emancipation policy, his onerous, difficult, and critical position as President of the United States, this meeting accords to him its tribute of approbation, in the hope and belief that he will take advantage of every circumstance which may arise to carry out his expressed personal wish that freedom may be given to every slave throughout the entire Union.”

Third. Resolution moved by Mr. Thomas Menzies, and seconded by Mr. A. Keddie :

“That this meeting deprecates the idea that this country should ever be on terms of intimate alliance with the slaveholding confederacy of America, as was confidently anticipated by Mr. Mason, agent from the confederate administration at the late banquet of the lord mayor of London; and in the name of the working classes of Edinburgh protest against the statement of Mr. Mason, there made, that he had been received with honor and welcome by all classes of the British people.”

Fourth. Resolution moved by Mr. George C. Stewart, and seconded by Mr. Ker :

“That copies of these resolutions, subscribed by the chairman on behalf of the meeting, be transmitted to Earl Russell, and also to the American ambassador in London, to be forwarded by him to the President of the United States.”

JOHN BEATON,

Secretary of United Trades Council.

RESOLUTIONS AT LUDDENDEN FOOT.

At a crowded meeting of operatives and others in the school-room, Congregational church, Luddenden Foot, Halifax, under the pastorate of the Rev. Aikin Hall, after a lecture by the Rev. Newman Hall, on Thursday, February 19, 1863, it was proposed by Jonathan Monley and seconded by Nathan Culpán, and carried unanimously and with great enthusiasm—

That this meeting expresses their abhorrence of slavery; their hope that no empire expressly founded on slavery as its corner-stone will ever be recognized by this country; their cordial sympathy with President Lincoln and the friends of emancipation in America; and their willingness to continue to suffer privations arising from the short supply of cotton, rather than have again to rely on slave-grown produce.

Signed on behalf of the meeting.

JOSEPH BATTOMLEY,
Chairman.

[Memorandum accompanying the address from the inhabitants of Birmingham.]

The committee that waited on Mr. Adams consisted of Mr. Charles Sturge, mayor of Birmingham; Mr. Geo. Edmonds, clerk of the peace; Mr. Wm. Morgan, Mr. J. A. Partridge, and Mr. James Taylor, jr.

The address was signed by 13,500 persons, twenty-eight of them being members of the town council, and of these twenty-eight, eleven are aldermen and seven have filled the office of mayor. These facts were furnished by Mr. John Bright, M. P., who came with the delegation.

UNITED STATES LEGATION, *London, February 27, 1863.*

ADDRESS FROM ABERDANE.

To the honorable Abraham Lincoln, President of the United States:

HONORABLE SIR: The following resolution was unanimously and most enthusiastically carried at a very large and crowded public meeting held on the 5th instant at Ebenezer Independent Chapel, Aberdane, South Wales, presided over by the Rev. W. Edwards, minister of the place, with a request that it be signed by the chairman on the behalf of the meeting, and forwarded to your honor through your agent in London:

Resolved, That this meeting heartily unite in the general joy and thanksgiving which has been called forth by the *proclamation* issued by the President of the United States on the 1st of January, 1863, by which more than three millions of slaves in the United States were declared thenceforward and forever free; and are of opinion that the promulgation of that decree, founded not less on justice than on the undeniable right of the slaves, entitles Mr. Lincoln to the sympathy, encouragement, and moral support of all the friends of freedom throughout the world; and they further wish to express their admiration of the wisdom and the courage which characterizes his administration since he has been conducted to the presidential office, and their prayer is for the preservation of the Union and total emancipation of the slaves, which, alone, in their opinion, is the political salvation of the United States.

Signed on behalf of the meeting by

W. EDWARDS, *Chairman.*

FEBRUARY 18, 1863.

To the honorable C. F. Adams, ambassador of the United States :

SIR: Allow me to intrust the above resolution of sympathy with the President of the United States to your care, and beg of you to forward the same to his honor. There is a very great and general sympathy in the principality of Wales with the United States in their present difficulty; and, indeed, a very great rejoicing at the President's proclamation to emancipate the slaves. There may be here and there in Wales some few, very few indeed, sympathizers with the south, but a national sympathy with the north.

Your honor's most humble servant, &c.,

W. EDWARDS, *Independent Minister.*

MEIRION COTTAGE, ABERDANE,
South Wales, February 18, 1863.

RESOLUTIONS AT OLDHAM, COUNTY OF LANCASTER, ENGLAND.

Resolutions adopted at a public meeting held in the Town Hall, Oldham, on the 18th February, 1863, Thomas Emmott, esq., chairman.

To the honorable Charles Francis Adams, American ambassador, London:

1st resolution, That this meeting is of opinion that the great aim and object of the leaders of the southern rebellion is to perpetuate and extend the curse of slavery, and thereby retard the course of human progress; while the Lincoln government, as by the prohibition of slavery in the Territories, the abolition of slavery in the District of Columbia, the recognition of the rights of citizenship of the black man, and, more than all, by the emancipation proclamation, show to the world that its object is to sustain the cause of freedom and free labor. Therefore,

Resolved, That our sympathies are due, and are hereby freely given, to President Lincoln and his government in their efforts to suppress this wicked and unjustifiable rebellion.

2d resolution, That this meeting desires to express its grateful appreciation of the noble conduct of the people of the United States, who, whilst themselves suffering the evils resulting from the terrible ordeal through which their country is passing, have generously manifested their sympathy with our distress by sending the noble ship the George Griswold freighted with a full cargo of food for free distribution amongst our suffering population, thus showing that the heart of the people of both countries is still moved by sympathy and mutual good will.

Resolved, That a copy of the foregoing resolutions be transmitted to the American ambassador at London.

Signed on behalf of the chairman,

THOMAS EMMOTT, Esq.,
Belmont Terrace, Middleton road, Oldham.
GEORGE CROMPTON,
Hon. Secretary.

RESOLUTION AT MERTHYR TYDFIL, SOUTH WALES.

Negro emancipation.

At a large and influential meeting, held at the Tabernacle chapel, Merthyr Tydfil, South Wales, on the above subject, on Monday, the 2d day of February,

1863, the following resolution was proposed by the Rev. Gincsyn Jones, and seconded by Mr. Henry Thomas, and carried unanimously :

“That this meeting, being convinced that slavery is the cause of the tremendous struggle now going on in the American States, and being further convinced that the object of the southern States is to found a government to perpetuate, strengthen, and extend chattel slavery within their territory, earnestly prays that such object may be frustrated, and that the emancipation policy of the President may be carried out till not a slave be left on the American soil, and that a copy of this resolution be sent to his excellency the President of the United States.”

CHARLES H. JAMES, *Chairman.*

BENJAMIN HADWIN GILBANKS, *Hon. Sec'y.*

ADDRESS AT MERTHYR TYDFIL.

Negro emancipation.

[From a public meeting held at Merthyr Tydfil, Glamorganshire, South Wales]

To his excellency Abraham Lincoln, President of the United States:

SIR: It is in no corporate capacity, but simply as an assembly of Englishmen, that we venture to address to you a few words of sympathy and fraternal regard. We deeply deplore the calamity which has fallen upon your country, and earnestly desire to see a stop put to the fearful struggle now raging in America, sincerely hoping that the system of slavery, which has been the chief cause of the war, may be buried with it.

We are bound to confess that there has ever been a misgiving in our minds when we remember that there was an inconsistency or incongruity between your avowed principle of liberty and the existence among you of the worst form of human despotism, and that we have ever believed that such dreadful injustice in the course of Providence would be avenged.

We would assure you of our full appreciation of the heavy burden of responsibility now resting upon you, and of our sympathy with you in all measures which have for their object the extinction of slavery, and rejoice to believe that, in spite of all that has been said or written, there exists between the United States and Great Britain a sound basis of cordial amity which will be cemented and extended by the success of those measures in erasing this injurious blot from your Constitution.

Praying that you may be carried through the fiery trial to which you are subjected, and that you may be spared to reap the harvest of freedom and peace, we trust that, in the triumph of right and justice, your sorrowing widows and bereaved mothers and sisters may find an alleviation of their woes.

Be assured, also, that we deeply deplore any apparent complicity with the southern States in the clandestine equipment of war ships for their use in our waters, and that we fully appreciate the considerate feeling of the north, evinced by the shipment of gratuitous supplies for our distressed operatives.

We are, with much respect, yours, &c.,

CHARLES H. JAMES, *Chairman.*

RESOLUTIONS FROM PAISLEY, SCOTLAND.

To his excellency Abraham Lincoln, President of the United States :

SIR: At a public meeting of the inhabitants of Paisley, Scotland, upon the sixteenth day of February, eighteen hundred and sixty-three, in the United Presbyterian church, Abbey Close, David Campbell, esq., chief magistrate of the town, in the chair, the following resolutions were adopted:

I. Moved by the Rev. Mr. Hutton, and seconded by William Colquhoun, esq.: "That the southern States having, by their revolt against the federal government, kindled the flames of civil war without any cause to justify revolution, and having organized themselves into a confederacy based on the denial of human rights to the colored race and the determination to perpetuate and extend the system of slavery, this meeting desires to express its abhorrence of a rebellion which thus violates the first principles of political justice and institutions framed in defiance of the moral sense of mankind and the clearest dictates of the Christian faith."

II. Moved by Mr. Robert Cochrane, and seconded by Bailie Gillespie: "That, deprecating the policy of compromise with slavery, and presuming to urge the duty of aiming at its complete eradication from the political system of the States, this meeting rejoices to recognize, in the election of President Lincoln and in the principal fruits of his administration, the abolition of slavery in the District of Columbia; its prohibition in the Territories; the recognition of the republics of Hayti and Liberia; the concession of the right of search for the suppression of the slave trade; the scheme of compensated emancipation; the proclamation which inaugurated the new year; as well as the act for substituting free for slave labor, adopted in the State of Missouri; successive triumphs of anti-slavery sentiments in the United States, and the prospect of accelerated liberation to the enslaved; and its desire to express cordial approval of all wise measures tending to promote the final abolition of slavery, and the assurance of heartfelt sympathy with the government and people of the Union in their honorable struggle to prevent the establishment of, on their soil, that most portentous of despotisms—an irresponsible and retrograde slave power."

III. Moved by the Rev. William Park, and seconded by ex-Bailie Brown: "That this meeting warmly appreciates the generous feeling which has prompted American citizens to despatch supplies for the relief of the distress in Lancashire; and, in common, it believes, with the great mass of the British people, highly values the friendship of the American nation and the continuance of those amicable relations which, it confidently trusts, the license of an abusive press on either side of the Atlantic shall entirely fail to disturb. Further, requests the chairman to transmit a copy of the above resolutions to the American minister at London for transmission to his excellency the President of the United States."

DAVID CAMPBELL,
Provost and Chief Magistrate of Paisley.

RESOLUTIONS FROM CARLISLE, ENGLAND.

To Abraham Lincoln, President of the United States of America :

The following resolutions, adopted at a public meeting of the citizens of Carlisle, in the county of Cumberland, England, are respectfully addressed:

1. That this meeting, while approving of the principle of non-intervention adopted by her Majesty's government, yet, believing that the present deplorable conflict in America is entirely owing to the attempts of the southern slavehold-

ers to extend and perpetuate their system of human bondage, recognizes it as the duty of Englishmen to give a moral support to the President and government of the United States in their efforts to defeat the designs of the confederate slaveholders.

2. That, in the opinion of this meeting, the policy of emancipation which has been inaugurated by the government of President Lincoln is entitled to the hearty approval of the people of England and the "considerate judgment of mankind."

3. That a copy of the foregoing resolutions be sent to the United States minister in London to be forwarded to the President of the United States.

JAMES ROSS, *Chairman.*

RESOLUTIONS FROM RAWTENSTALL, ENGLAND.

At a public meeting duly convened, of the inhabitants of Rawtenstall, in the county of Lancaster, on the American question, held in Holly Mount School, Peter Ormerod Whitehead, esq., in the chair, the following resolutions were moved, seconded, and adopted, viz:

Resolved, First, that this meeting tenders its hearty thanks to the merchants of New York and other citizens of the United States of America for their generous and unsolicited contributions towards the alleviation of the unavoidable distress now so widely spread in the manufacturing districts of this country, and values the beneficent supplies sent by the George Griswold and other ships the more, as they evince, in unqualified contradiction to the unscrupulous and malignant slanders of the "London Times," and other partisans of slavery, that the people of the United States are animated by the principles of Christian feeling and brotherly love for the fatherland.

Second, that this meeting considers that the governor and people that can institute and carry out the following noble measures, viz: the abolition of slavery in the District of Columbia, the prohibition of slavery in the Territories of the United States, the recognition of the republics of Hayti and Liberia, the concession of the right of search for the suppression of the slave trade, the scheme of compensated emancipation, and the proclamation of freedom which will make forever memorable the first of January, 1863, deserve the highest admiration and earnest support of every man professing to be a Briton, and proud of his boast that a slave cannot exist on British territory. Further, this meeting tenders its deep and fervent sympathy to the government and people of the loyal States in their arduous and noble struggle for the conservatism of the American Union, with freedom secured to every man of every color within its vast dominion; and prays that the friendly relation existing between America and England may long continue and grow stronger.

Third, that a copy of the above resolutions, signed by the chairman, be forwarded to the honorable Charles Francis Adams, the American minister in London.

PETER ORMEROD WHITEHEAD, *Chairman.*

Mr. Adams to Mr. Seward.

No. 335.]

LEGATION OF THE UNITED STATES,

London, February 26, 1863.

SIR: I transmit herewith a copy of a note addressed to me by Lord Russell, on the 21st instant, acknowledging the reception of mine of the 20th ultimo, on

the case of the Dutch vessel seized, rescued, and reclaimed by the British during the late war with Russia.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February 21, 1863.*

SIR: I must request you to accept my apologies for the delay which has occurred in acknowledging the receipt of your letter of the 20th ultimo, in which you call my attention to another instance of a claim for the restitution of a vessel, which seems to have been heretofore made by her Majesty's government under circumstances of a character similar to that of the *St. Pierre*.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 337.]

LEGATION OF THE UNITED STATES,

London, February 26, 1863.

SIR: I omitted last week much notice of the telegram received from you, as well as of the general news that came by the steamer respecting the alleged interruption of the blockade at Charleston, for the reason that the fiction made no impression whatever on public opinion in this country. A little more success has attended a similar attempt yesterday to create a belief of a serious misunderstanding between Mr. Mercier and yourself. The wish for French intervention is father to the thought. And it is the more cherished by malevolent parties, since the course of opinion here renders the probability less of any such action on this side. * * * * *

On the other hand, sympathy with the Poles would be regarded as in entire harmony with what is called the traditional policy of France, and with the current of popular sentiment. At this precise moment much apprehension is entertained of serious difficulty growing out of these events. But I am inclined to think that no nation is quite prepared to face the possibility of the breaking out of a general war. Hence the efforts to arrive at some form of settlement will be increasing and probably successful. In the mean time, however, the favorable interval should be improved by the military action in America. This is all that is needed to protect us from the possibility of European intervention. I regret to be obliged to confess that thus far the results have not corresponded to expectation. Cases of decided success grow less rather than more frequent, and public confidence in the direction of the war has declined. Were it not for this, I can confidently affirm that by this time few vestiges of sympathy with the rebels would remain outside of interested circles in any part of this kingdom.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 338.]

LEGATION OF THE UNITED STATES,
London, February 27, 1863.

SIR: I now transmit the copy of a note addressed to me by Lord Russell, in answer to mine of the 19th instant, a copy of which was forwarded last week with my despatch (No. 328) of the same date. I believe this is the first instance of a censure by the government here of any act done by its subordinates during the present struggle. In the mean time, however, the Gladiator is announced as just arrived at Liverpool with half a million of the money.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *February 25, 1863.*

SIR: You are quite right in having understood me to say that orders had been given through Lord Lyons intended to anticipate the possibility of any shipments of specie, such as you spoke of in your letter of the 19th instant.

Notwithstanding Lord Lyons's precautions, however, I received on the 14th instant an account of the shipment of money in her Majesty's ship Vesuvius, by Mr. Acting Consul Magee. The money was said to be sent for the purpose of furnishing payment of interest, due in London, on bonds of the State of Alabama.

I, however, thought it necessary at once, and on the same day, to dismiss Mr. Magee from her Majesty's service.

Orders have been given also to the admiralty to forbid any similar shipment from confederate ports.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

Mr. Seward to Mr. Adams.

No. 488.]

DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: The President requests your aid in communicating to the citizens of Stroud the eminent satisfaction with which he has received the address and resolutions which they adopted at their public meeting held in the subscription rooms on the 29th of January last.

Notwithstanding the general concert and decided tone of those who, for near two years, have assumed to speak the voice of Europe concerning the struggle in which this country is engaged, to pervert the sympathies of mankind in favor of an insurrection as unnecessary as it is destitute of all moral merit, this government has constantly believed that the common heart of humanity remains unchanged by the flow of time and the vicissitudes of states. For the confirmation of this hope which the inhabitants of Stroud have thus given, you will

convey to them the grateful acknowledgments of the President and the American people.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 489.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: The citizens of Glasgow, in a public meeting held on the 4th day of February last, adopted, and they have sent through their chairman, William Goven, esquire, to the President of the United States, an address and resolutions expressing just, generous, and fervent sympathies with our country in the great trial through which it is passing for the vindication of self government and of the cause of humanity.

You are authorized to assure the citizens of Glasgow that the President has received their address and resolutions with sincere satisfaction and gratitude. The cause of the United States, seen in the clear, broad light cast upon it by these proceedings, rises to the dignity of one which it would be a crime against civilization to despair of, and much more a crime to forsake or betray.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 490.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: It will, I am sure, be an agreeable office for you to present to the committee of the British and Foreign Anti-Slavery Society the acknowledgments of the President of the United States for the copy of the minute which has been transmitted to him of their proceedings at a meeting held on the 19th of January last.

It seems to be in the order of God's providence to combine the welfare of society, which might otherwise be neglected, with the interests of individuals and of nations, which can never be safely overlooked. It was in this sense, as you well know, that the confederated congress of the United States, when surrendering their trust to the agents chosen under the federal Constitution, conjured the American people to remember always that the cause of the United States is the cause of human nature. Deeply cherishing this sentiment, so well calculated to remind this government of its immense responsibility to mankind, the sympathies which are expressed for it by the society whose proceedings are now before me, have been accepted by the President with the most profound satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 491.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: The resolutions of a public meeting which was held at Bradford on the 29th of January have been submitted to the President, who charges me with the pleasant duty of acknowledging the satisfaction he has derived from the just, liberal, and cordial sentiments in regard to our country so earnestly and eloquently expressed in these proceedings. I am also to assure the inhabitants of Bradford that this government sincerely sympathizes with them in the unhappy interruption of their industry, which has resulted, without fault on their part, from an insurrection in this country as causeless as it is injurious, not only here, but wherever its effects are seen or felt.

The occasion would be a proper one for acknowledgments to Mr. W. E. Forster, who presided at the meeting to which I have referred. But he justly looks to his own country and to his conscience for the reward of labors which, when the history of these painful times shall be written, will be identified with the agencies which saved human society from a new and anomalous danger, that, but for its actual occurrence, would have been believed forever impossible.

You will communicate what I have written to Mr. Forster and to the inhabitants of Bradford in such manner as you shall deem proper.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 492.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: You will present to Mr. William Trater, who presided over a meeting of the inhabitants of Galashiels held at the Corn Exchange on the 5th of February last, the profound acknowledgments of the President of the United States for the deep interest expressed by the workingmen assembled on that occasion in behalf of the cause of the United States in the painful domestic controversy in which they are now unhappily engaged. The President hopes and confidently trusts that the moral opinion of mankind, now happily awakened to the real nature and character of the contest, will relieve it of every of its past embarrassments, and be productive of benign results, favorable to the interests of all nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 493.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: Your despatch of the 13th of February (No. 321) has been received.

It informs us that, on a re-examination of the subject, her Majesty's government have come to a conclusion that the present enlistment law of Great Britain is sufficient without amendments, and that therefore they have none to

propose. It remains for this government, therefore, only to say that it will be your duty to urge upon her Majesty's government the desire and expectation of the President, that henceforward her Majesty's government will take the necessary measures to enforce the execution of the law as faithfully as this government has executed the corresponding statutes of the United States. In placing before Earl Russell intercepted correspondence of the insurgents, as we learn that you have done by another of your despatches, the President thinks that you have given to the British government ample evidence of the seriousness of our complaint, as well as sufficient information of specific unlawful designs of the parties concerned therein, and the plans of operation, to secure success to any proper efforts for repressing those designs which her Majesty's government may think proper to put forth.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No 494.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: You are authorized to inform Jerome Murch, esquire, who presided at a meeting of the citizens of Bath, which was held at the Guildhall on the 2d of February last, that the proceedings of that meeting have been submitted to the President of the United States, and that he is deeply affected by the fervent sympathies with our country, and the cordial wishes for its peace and prosperity, which the citizens of Bath have thus kindly expressed. You will add that, if the peace of the world shall be further disturbed in consequence of the unhappy insurrection now existing in this country, that painful result will happen through no fault of this government, which has no other purpose but to maintain the integrity of the United States and their free institutions—an object, as it believes, only in degree more important to them than to all other nations.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 495.]

DEPARTMENT OF STATE,

Washington, March 2, 1863.

SIR: The resolutions of a meeting of the inhabitants of South London, held in Southwark on the 3d day of February, 1863, have been submitted to the President of the United States.

You will avail yourself of a proper occasion to make known to Mr. J. Serrell, who presided at the meeting, the President's grateful acknowledgments for the good wishes expressed for the welfare and happiness of our country by that respectable assembly, and assure him, in return, of the best wishes of this government for the preservation of a perpetual and cordial friendship between two nations whose common responsibility for the cause of civilization requires that they shall remain in that relation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 496.]

DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: Your despatch of February 12 (No. 320) has been received, and your proceedings in regard to the President's reply to the workmen of Manchester are approved. Proper acknowledgment will be made of the resolutions and proceedings of other meetings, copies of which your despatch has transmitted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 497.]

DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: The resolutions concerning American affairs which were adopted at a public meeting held in the borough of Leeds on the third of February last have been received.

You will make known to Mr. Edward Baines, the chairman of that assembly, the President's grateful appreciation of the recognition made by those proceedings of the important fact that the cause in which the United States are now engaged is entitled to be regarded as the cause of freedom and humanity.

You will further inform Mr. Baines of the sincere sympathy of the American people with the sufferings of their brethren in the manufacturing districts of England, and of the earnestness with which this government desires a speedy return of their accustomed prosperity and happiness.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 498.]

DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: Your despatch of February 5 (No. 315) has been received.

I send you brief replies or acknowledgments in behalf of the President to the addresses and resolutions transmitted to me by the inhabitants of Stroud, Glasgow, Galashiels, Bath, Leeds, South London, Bradford, and the committee of the British and Foreign Anti-Slavery Society, respectively. You will modify these papers in your discretion, and use them in making acknowledgments or not, as you deem advisable. In any case you will seek through an informal conference with Earl Russell to ascertain that the acknowledgments made will not be regarded as wanting in respect to her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 500.]

DEPARTMENT OF STATE,
Washington, March 2, 1863.

SIR: Your despatch (No. 332) of the 13th ultimo, relative to remonstrance which you addressed to Earl Russell, based upon the intercepted correspondence, a copy of which accompanied my No. 454, has been received. That proceeding is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 339.]

LEGATION OF THE UNITED STATES,
London, March 5, 1863.

SIR: This morning I received despatches from the department, numbered from 473 to 482.

With respect to the instructions contained in Nos. 475 and 476, I shall, for the reasons already given in my former despatches, No. 327 and No. 334, delay acting upon them until the President shall have an opportunity to act on a full survey of all the addresses that are on their way. My own suggestion would rather be that I should have instructions to publish one brief and general reply, the form of which may be furnished to me at the same time. * * * *

I now transmit addresses or resolutions of the same tenor as those heretofore sent, from Newcastle-upon-Tyne on the 10th ultimo; from the Liverpool meeting on the 19th ultimo; from Huddersfield on the 24th ultimo; from Ashford, in Kent, and from Ashton-under-Lyne, on the 26th ultimo; from the Union and Emancipation Society of Manchester on the 3d instant; from Massley, near Ashton-under-Lyne, on the 4th; and from Leeds on the 24th of February.

From these examples you will perceive that the current of sentiment continues to run strongly in the direction lately taken. * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Address from Newcastle-upon-Tyne, February 10, 1863.
2. Address from Liverpool, February 19, 1863.
3. Address from Huddersfield, February 24, 1863.
4. Address from Ashford, in Kent, February 26, 1863.
5. Address from Ashton-under-Lyne, February 26, 1863.
6. Address from Union and Emancipation Society, Manchester, March 3, 1863.
7. Address from Massley, March 4, 1863.
8. Address from Leeds, February 24, 1863.

RESOLUTIONS FROM NEWCASTLE-UPON-TYNE.

First resolution.

“That the revolt of the southern States of America against the federal government having avowedly originated in the determination not only to maintain but to extend slavery, and having been followed by the organization of a confederacy based upon the denial of human rights to the negro race, this meeting indignantly repels the assumption that the English people sympathize with a rebellion that thus violates every principle of political justice, or with institutions framed in defiance of the moral sense of civilized mankind, and which are an outrage upon the religion whose sanction has been claimed in their support.”

Second resolution.

“That in the election of President Lincoln, and in the principal acts of his administration—the abolition of slavery in the District of Columbia, the prohibition of slavery in the Territories, the recognition of the republics of Hayti and Liberia, the concession of the right of search for the suppression of the slave trade, the scheme of compensated emancipation, and the proclamation which inaugurated the new year—this meeting recognizes successive triumphs of anti-slavery sentiment in the United States; rejoices in the prospect thus afforded of friendship between England and America, as well as of liberation to the enslaved; offers to the government and to the people of the loyal States the assurance of fraternal sympathy in their noble struggle; and requests that these resolutions be communicated to his excellency the American minister.”

The above resolutions were unanimously passed at a large and enthusiastic meeting of the inhabitants of Newcastle-upon-Tyne, held February 10, 1863.

JOSEPH COWEN, JR., *Chairman.*

An address from inhabitants of Liverpool, England, in public meeting assembled, to the Hon. Abraham Lincoln, President of the United States of America.

SIR: Two hundred and forty years ago a Dutch man-of-war entered the James river, in Virginia, and landed twenty negro slaves, the first ever imported into the continent of the New World.

In the year 1860, by continued importations and by natural increase, that number had advanced to four millions.

These two facts describe an evil, which has been ever since pressing with accumulative weight upon the honor and prosperity of your country.

It is with mingled pain and pleasure that we remember the existence of negro slavery in our own West India colonies—with pain, that England should ever have soiled her fame with that accursed institution; with pleasure, that her free spirit at length broke all the bonds of vested interest, and bade the oppressed go free.

But our slavery was only colonial. It did not pollute the life-blood of the people at large by actual contact. At home it was regarded as much in the light of an error of our statute book as the crime of our nation. It occupied but a small portion of England's vast possessions, and did not affect the organization of labor anywhere else. The interests of a class were identified with its maintenance, but not those of a whole mercantile community. Even thus limited, Englishmen still blush to think it was ever within the realm.

But the slavery of the United States is and has been a far greater calamity,

both at home and abroad. The area of its occupation is immeasurably wider, the number of its victims far greater, while it has become so thoroughly identified with national life in the south as to be always styled the domestic institution. And if, on these accounts, the difficulty of its abolition be greater, so also is the danger of its maintenance.

The framers of a Constitution which was expressly designed "to secure the blessings of liberty" in an evil hour recognized, from motives of expediency, an institution which they too readily believed would speedily die out. Could they have foreseen the time when, so far from perishing, it would have been endowed with more vigorous life, when their descendants would not only seek out new territory for its extension, but would even carry it back in ignominious triumph to lands whence, by a feebler government, but with more enlightened policy, it had been expelled, how would their noble hearts have been dismayed at such sad degeneracy!

But so it has been. The peculiar adaptability of southern soil for the growth of cotton, combined with mechanical ingenuity in simplifying the process of its manufacture, has not only given a larger value to the labor of the negro, but has created an inter-State slave trade from which the fathers of the revolution would have turned away in disgust.

The presidential chair and all the higher offices of state have, during a long succession of years, been occupied, with but few exceptions, by slave owners. The influence of the government has been given to the extension and protection of slavery. And though it is true that each State in the Union has been responsible for the maintenance of slavery within its own limits, the nation has identified itself with the institution by permitting it within the District of Columbia and the western territory, both alike common to all.

Worse than all, several of the slave States have broken out into open rebellion for the avowed purpose of founding an empire, to be indefinitely extended, and based upon the perpetual organization of slavery as the natural condition of the negro race.

To the national participation in the guilt of slavery one party in your country have always been opposed. With a holy and devoted enthusiasm they have tended the lamp of freedom, in full faith that sooner or later it would scare away the darkness. Every fresh exaction of the slave power has only served to deepen their earnestness, augment their numbers, and increase their influence. And the nation has at length awakened to a sense of its responsibilities. Your own election to the chief magistracy was an evidence of its determination that involuntary servitude should, at all events, never exceed the limits it had then attained. And here we call to mind your own words: "I have always hated slavery." "I believe the government cannot endure permanently half slave and half free." No longer harassed by those sectional proclivities in the cabinet which formerly prevailed, and pursuing a strictly constitutional line, Congress has abolished slavery in the District of Columbia and throughout the Territories of the United States; it has recognized as sovereign states the republics of Hayti and Liberia; and it has conceded to England the long-withheld right of search, thus rendering a treaty for the suppression of the slave trade something better than an empty form.

Constitutionally armed with powers derived from Congress, you, sir, as President of the United States and commander-in-chief of the national forces, have forbidden the return of fugitive slaves seeking refuge within the lines of the federal army. In September last you issued a proclamation declaring that you would consecrate the new year to liberty by decreeing freedom to every slave within the limits of the rebellion; but at the same time tendering pecuniary aid for the immediate or gradual emancipation of the slaves of loyal States. Both these promises you have faithfully kept, and two slave States have since accepted your proposal. That the edict of freedom has not been universal in

its operation is owing, we know, to the limit placed upon your power by that Constitution which you have sworn "faithfully to preserve, protect, and defend," and under which treason alone can justify you in compulsory emancipation. But we feel assured that by the inexorable logic of events the abolition of slavery will speedily take place in every one of the excepted districts.

We offer no opinion on the policy of the civil war now raging in your country; but for the measures we have thus briefly sketched, which have denationalized slavery, and which are intended to destroy it, as the avowed cause of the war itself, we now tender to you and your cabinet our respectful sympathy. For those acts of humanity and justice we trust you will realize your own reverential desire and receive "the considerate judgment of mankind and the gracious favor of Almighty God."

Signed in behalf of the meeting.

JOHN CROPPER, *Chairman.*

LIVERPOOL, *February 19, 1863.*

At a public meeting of the inhabitants of Huddersfield, held in the Philosophical Hall on the 24th day of February, 1863, Isaac Robson in the chair, it was—

Moved by the Rev. Robert Bruce, and seconded by John Priestley, "That this meeting desires to express its utter abhorrence of slavery wherever existing, and its emphatic condemnation of all attempts to extend or perpetuate so great a crime against humanity."

Carried unanimously.

It was also moved by Joseph Bothroyd, seconded by the Rev. Thomas Stephenson, and supported by George Thompson, "That while this meeting deeply deplores the present unhappy conflict in America, the cause of so much misery both there and elsewhere, it nevertheless observes with satisfaction the growth of anti-slavery sentiments in the United States, and declares its approval of the recent acts of the federal government so far as they have tended to confer the boon of liberty on more than three millions of our fellow-men who have been so long unjustly held in bondage.

"And, further, that this meeting earnestly desires that the means proposed to the States remaining in the Union for compensatory abolition of slavery may be speedily adopted, and thus that the stain may be completely and forever removed which has so long disgraced a great and enlightened republic."

Carried with five dissentients.

It was also moved by the Rev. R. Stainton, seconded by Thomas Denham, "That E. A. Scatham, esq., M. P., be requested to present a copy of the previous resolutions to the American minister in London, with a request to forward the same to President Lincoln."

Carried unanimously.

ISAAC ROBSON, *Chairman.*

JOSH. A. DEAR, *Secretary to the Meeting.*

FEBRUARY 25, 1863.

Copy of resolution of the Union and Emancipation Society of Manchester.

OFFICE 51 PICCADILLY, *Manchester, March 3, 1863.*

That the executive of the Union and Emancipation Society of Manchester has heard with feelings of humiliation that certain Englishmen, including some members of the British House of Commons, are concerned in the illegal enterprise of

building and fitting out piratical ships in aid of the American slaveholders' confederacy, contrary to public policy, national honor, and the Queen's proclamation of neutrality.

The executive hereby records its protest against all such disreputable practices, and calls upon Parliament and her Majesty's government to institute the needful steps forthwith to bring these delinquents before a tribunal of public justice, and to put an effectual stop to all such proceedings.

—

Union and Emancipation Society of Manchester.

(In co-operation with the London Emancipation Society.)

ADDRESS.

The Union and Emancipation Society of Manchester has been formed (in co-operation with the London Emancipation Society) to give expression, on behalf of the population of this district, to their earnest sympathy with the cause of freedom and fraternal regard towards their kinsmen of the United States, and to resist all recognition of the slaveholders' confederacy.

We emphatically repudiate those unworthy expressions of satisfaction at the contemplated disruption of the American Union which have disgraced the columns of some of our journals, and the utterances of too many of our public men and members of Parliament.

We deplore the systematic perversion of facts in regard to the vital questions involved in the American struggle and the habitual suppression, by leading organs of the press, of reports of meetings at which views hostile to the slave power have been expressed. We feel that the credit of English journalism and the honor of our country are compromised by these unworthy attempts to foster jealousy of a growing kindred power, to create a desire to see that power humbled, and the progress of popular government thereby impeded. These perversions, suppressions, and misrepresentations have unfortunately created in the minds of the American people, north and south, an impression that the English nation is hostile to the federal cause, and would be exultant at the downfall of the great republic.

The breaking up of the American Union into two or more separate governments would be a world-wide disaster, and entail many grievous calamities. Such a disruption would substitute for a single and cheap government two or more of a very expensive character; would impose upon each the necessity of keeping up large standing armies, which would absorb, as in Europe, a third of the resources of the state, imposing heavy taxes on the people; would provoke, sooner or later, other wars as disastrous as the present; would encourage the secession of other States, and thus paralyze that magnificent development of human activity and constitutional liberty which has been the admiration of the civilized world, and would reopen the African slave trade with all its horrors and barbarities. We are, therefore, deeply convinced that the maintenance of the federal Union of America is an object of unspeakable importance to the whole human family, and that its disruption would prove a calamity to the cause of freedom and to the interests of civilization.

We know that the sentiments of the great bulk of the people of this district, and we believe of the country generally, are decidedly in favor of the federal government and of those principles of freedom and equality in defence of which it is making such noble and patriotic sacrifices. With every wish to uphold the principles of non-intervention and strict governmental neutrality, we are impelled to declare that this nation is, by its feelings, inclined, as by its antecedents bound, to give its whole moral support to the cause of order, of civil freedom, of consti-

tutional government, and of emancipation—all of which are represented by the north in its struggle to maintain the Union.

The so-called "southern chivalry" is waging war against a free, popular government, with the intention, unblushingly proclaimed, of forming a new confederation, whose chief corner-stone shall be the execrable system of human bondage. The men who initiated this wicked rebellion did so by perjury, robbery, and fraud committed against the community by whom they were paid, and whose Constitution they had sworn to defend. The slaveholders, who are the mainspring of the conspiracy, form but a small section of the people over whom they exercise an absolute domination.* The success of the rebellion would, therefore, promote only the sordid interests of a few, whilst it would, in all probability, indefinitely prolong the bondage of the negroes and the degradation of the poor whites of the south.

The federal government, on the other hand, was elected on the policy of restricting slavery within existing State limits, and on the principle that the normal condition of all the territory of the United States is that of freedom. It was against this that the slaveholders rebelled.

Since the commencement of hostilities, President Lincoln has made many practical advances towards a complete recognition of the declaration of independence that ALL MEN ARE CREATED EQUAL! He has procured the liberation of the slaves in the District of Columbia and the interdiction of slaves in the Territories; he has enforced the laws against the African slave trade, and for its more effectual suppression has concluded a treaty with England granting the right of search; he has decided to receive ambassadors from the negro republics of Hayti and Liberia, and followed the good example of Great Britain; he has proposed to purchase the liberty of all slaves in the loyal States, and his Attorney General has pronounced free negroes to be citizens of the Union, which previous governments had denied. To crown this series of just and humane efforts for freedom, President Lincoln, as commander-in-chief of the forces, has proclaimed unconditional freedom to all bondsmen of the United States.

The conduct of those public men amongst us whose policy has been to retard the progress of liberty at home (pretending to ignore the distinction between the aims of the constitutional government at Washington and the slaveocracy headed by Jefferson Davis) may be understood; but for liberal-minded men to countenance these rebels and enemies of mankind in their nefarious designs against public order, moral law, and social progress, is as opposed to the teachings of Wilberforce, Clarkson, Granville Sharp, and Henry Brougham, as slavery itself is to the genius of the Christian religion.

Apart, however, from the higher considerations upon which the actions of public men and the policy of nations should be based, we know that the workingmen of this district regard with astonishment a civilization which can look complacently upon 4,000,000 of human beings in a state of the most abject bondage. The operative classes are convinced that the labor markets of Europe are injuriously affected by the system of slavery; that the value of our commercial relations with four millions of people, enjoying the fruits of their own labor, will be vastly enhanced, whilst by the success of the federal cause that odious system of slave-breeding for the auction pens of Richmond, which calls for the indignant reprobation of mankind, will receive its death blow.

Deprecating war, and deploring its ruinous consequences, we most cordially and earnestly desire the speedy establishment of a safe and enduring peace on the basis of the complete emancipation of every chattel-slave in the American

* By a recent act the conscription in the south includes all men between 16 and 60 years of age; exemption being granted to the owner of six slaves, and so in proportion for every six slaves a male relation or friend is exempted. General Neal Dow says the people in the south avow that "this is a rich man's war but a poor man's fight."

States, believing that nothing less will justify the policy of the north, or recall to reason the slaveholding oligarchy of the south.

We commend to the thoughtful consideration of our countrymen the momentous question involved in the great conflict now desolating the American continent. This is no matter of doubtful import or party issue. The lines are clearly drawn, and every one must soon take his stand either with the enemies of mankind, the slaveocracy at Richmond, or with the friends of freedom, as represented by the federal government at Washington.

Signed on behalf of the Union and Emancipation Society of Manchester.

THOMAS BAILEY POTTER, *President.*

SAMUEL WATTS, JR., *Treasurer.*

JOHN C. EDWARDS,

EDWARD OWEN GREENING,

Honorary Secretaries.

OFFICE 51 PICCADILLY, *Manchester, January, 1863.*

To his excellency the honorable Charles Francis Adams, the United States minister in London:

HONORED SIR: At a public meeting of the inhabitants of Mossley called to consider the best means of abolishing slavery and maintaining the American Union, held in the lecture hall of the Mechanics' Institute, one of the largest rooms in the town, on the 26th ultimo—the hall being densely filled in every part, and large numbers being unable to gain admission, and the proceedings being of the most enthusiastic character—the following resolutions were unanimously adopted:

1. Moved by the Rev. E. Minton, seconded by Mr. N. Radcliffe, senior, and supported by Mr. J. A. Jackson:

“That the revolt of the southern States against the federal government having avowedly originated not only to maintain but to extend slavery; having been followed by the organization of a confederacy based on the denial of human rights to the negro race, this meeting indignantly repels the assumption that the English people sympathizes with a rebellion that thus violates every principle of political justice, or with institutions framed in defiance of the moral sense of civilized mankind, and which are an outrage upon the religion whose sanction has been claimed in their support.”

2. Moved by the Rev. N. Cocker, seconded by Mr. Heys, and supported by Mr. E. O. Greening:

“That in the election of President Lincoln and in the principal acts of his administration—the abolition of slavery in the District of Columbia, the prohibition of slavery in the Territories, the recognition of the republics of Hayti and Liberia, the concession of the right of search for the suppression of the slave trade, the scheme of compensated emancipation, and the proclamation which inaugurated the new year—this meeting recognizes the successive triumphs of anti-slavery principles in the United States, and rejoices in the prospect of a better feeling between England and America as well as liberation to the enslaved, and offers to the government and the people of the loyal States the assurance of fraternal sympathy in their noble struggle.”

3. Moved by Mr. J. Robinson, seconded by Mr. J. Rhodes, and supported by Mr. J. C. Edwards:

“That this meeting desires to express its grateful appreciation of the noble conduct of the people of the United States, who, whilst they themselves are

suffering the evils resulting from the terrible ordeal through which their country is passing, have generously manifested their sympathy with our distress by sending the noble ships, the *George Griswold* and the *Achilles*, freighted with full cargoes of food for free distribution amongst our suffering population, for which this meeting begs to express its most heartfelt thanks, and it desires that copies of the resolutions passed at this meeting be sent to his excellency the American minister in London."

ROBERT HYDE BUCKLEY, *Chairman.*

MEMORIAL OF THE LEEDS WORKINGMEN'S INSTITUTE TO THE PEOPLE OF AMERICA.

LEEDS, *February* 12, 1863.

The members of the Leeds Workingmen's Institute have heard with a pleasure which they cannot readily describe of the contribution lately made by the people of America towards the relief of their distressed fellow-laborers in Lancashire.

This act of sympathy, so spontaneous and so generous, has excited throughout the country the warmest feelings of gratitude.

The thanks of the nation at large will be conveyed to the people of America through other and more appropriate channels; but the workingmen of Leeds can at least bear witness to the feeling which has been aroused in a large section of their countrymen by this instance of good will on the part of the American people. In justice, no less to their order than to themselves, they venture to give expressions to that feeling in the present address.

And, in the first place, they beg to offer their most hearty thanks to those who have so gracefully ministered to the wants of a nation connected, indeed, with themselves by blood, by language, and by laws, but of late too much estranged from them by political differences.

They cannot but remember that this assistance is rendered at a time which makes it particularly valuable as a token of sympathy, when other claims, which might well have been considered paramount, are pressing upon the American people.

They would gladly see in this mark of kindness an assurance that, however the governments of the two countries have differed, and may still differ, on questions of international or domestic policy, the hearts of their inhabitants are not yet severed; that the people of America and the people of England feel themselves bound together by stronger ties than political alliances can furnish, or than political differences can break. They earnestly hope that such distress as has been lately felt by the working people of Lancashire may never be experienced by any of those whom they address; but should the time ever unhappily arrive in which such help as has now been afforded might be acceptably returned, by none would such assistance be more eagerly offered than by the workingmen of England.

On behalf of the Leeds Workingmen's Institute.

DARNTON LUPTON, *President.*

ASHTON RESOLUTIONS.

Mr. William Kellsal moved the first resolution, which reads thus:

That this meeting denounces and abhors the attempt now made by the slaveholders of the southern States of America to establish a constitution the chief corner-stone of which is professedly based on slavery.

Mr. James Broadbent moved the second resolution, which was as follows :

That this meeting admires and approves of the emancipation policy which President Lincoln and his colleagues have adopted as the best means of destroying slavery, and delivering their country from the contempt and reproach of the world ; and such policy is entitled to our warmest sympathy and support.

Mr. William Stephenson proposed the third resolution :

That our hearty thanks be given to the people of the free States of North America who have so generously assisted the operatives of Lancashire in their distress ; and we hail with pleasure the arrival of the George Griswold and other ships as a tangible expression of good feeling, and the strongest refutation of the common charges of hatred and malice attributed to the Americans towards this country.

Mr. Adams to Mr. Seward.

No. 343.]

LEGATION OF THE UNITED STATES,
London, March 6, 1863.

SIR : Deeming it no more than proper to acknowledge Lord Russell's note to me of the 28th ultimo, a copy of which was sent with my despatch No. 338 of last week, I now submit a copy of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, March 2, 1863.

MY LORD : I have the honor to acknowledge the reception of your lordship's note of the 28th ultimo. Deeply regretting the misconduct of her Majesty's consul at Mobile, so much calculated to shake the security of my government in the good faith of persons to whom it is always desirous to extend every courtesy, I shall derive great satisfaction in reporting the prompt action taken by your lordship in dismissing the principal party to the offence.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 344.]

LEGATION OF THE UNITED STATES,
London, March 6, 1863.

SIR : The attention of the public is now so fixed upon the approaching festivities connected with the marriage of the Prince of Wales that the interest in other questions is for a time suspended. But for this it can scarcely be doubted

that this week's intelligence from America would have produced a great effect. It is not generally believed here that the French Emperor contemplates any immediate action. The popular outbreak in Poland, coupled with the secret agreement entered into by Russia and Prussia, presents a new subject of more pressing importance, which requires consideration until disposed of, at least so far as to avert the risk of war.

In the meanwhile the embarrassment attending the Mexican expedition is rather on the increase. The accounts do not come so favorable as was hoped. A heavy extraordinary expenditure, incurred many months ago, seriously changing the character of the annual budget, has just been declared, and it must be followed by still heavier demands. It is therefore not at all probable that a new complication will be hazarded, unless with better prospects of support than have yet been held out from the United States. That the French government had been more or less deluded by the solicitation of disloyal people in the city of New York and elsewhere can scarcely admit of a doubt. I am occasionally made aware of the pressure of a similar influence on this side of the channel. This is the greatest danger against which our country has to struggle. But for this disloyal element among ourselves the spirit of the insurrection would have been worn out long ago. I trust that its machinations will fail, and that the success of our arms may yet come in time to save us from its effects.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 505.]

DEPARTMENT OF STATE,
Washington, March 9, 1863.

SIR: The recent capture and destruction of the *Jacob Bell*, with her cargo, valued at one and a half million, by the piratical steam vessel the *Florida*, fitted out and despatched from Liverpool, is regarded by the merchants in our seaports as indicating nothing less than a destruction of our national navigating interest, unless that calamity can be prevented by either the enforcement of the neutrality law of Great Britain, or the employment of an adequate force under commissions of marque and reprisal. Congress has conferred upon the President ample power for the execution of the latter measure, and the necessary arrangements for it are now engaging the attention of the proper departments. It is not without great reluctance that the President is coming to the adoption of that policy. But the preservation of the national life is a supreme necessity; and if there shall be no improvement in the condition of things to which I have adverted, the voice of the nation for the adoption of this last form of maritime war is likely to become unanimous and exacting. The President thinks the emergency sufficiently grave to justify me in asking you to seek, with as little delay as may be convenient, an interview with Earl Russell, in which you will confidentially make known to him the exact condition of affairs in the respect mentioned, and submit for his lordship's consideration the inquiry whether her Majesty's government cannot think it proper and possible to secure the adoption of some means to prevent effectually the further armament, equipment, and despatch of hostile vessels from British ports for the destruction of American commerce. The argument, as it is put in American commercial circles, is, that war is carried on against the United States by forces levied and

despatched from the British islands, while the United States are at peace with Great Britain. Though we may regard this statement of the case as extravagant, if not altogether erroneous, it cannot be concealed that it has sufficient appearance of truth on this side of the ocean to render it necessary to protect our commerce by employing every possible means of defence. It is hardly necessary to say that the government of the United States means, in adopting this course, anything else rather than a demonstration upon the sentiment or sensibilities of Great Britain. It seeks only, in a calm and confidential though earnest manner, to prevent an alienation between the two countries, which must be deeply disastrous to both, while it would grieve and afflict the friends of constitutional government, of freedom and humanity, throughout the world. We have thought that we were securing a more considerate view of our rights in the councils of the British government with the consent of the British nation. We are therefore more earnestly and sincerely, than ever before, desirous to avoid new embarrassments with Great Britain. Her Majesty's government will do us great injustice if they do not understand us as speaking solely under the influence of these just and generous sentiments.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *dc.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 507.]

DEPARTMENT OF STATE,

Washington, March 11, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of the 19th of February, (No. 327.)

In previous communications I have given you the President's authority to exercise your own highly esteemed discretion in regard to the form and manner of replying, for him, to addresses heretofore received by him from assemblies in various parts of Great Britain. I am now to request you to perform the pleasing duty of bestowing a similar recognition in his behalf upon the very interesting and reassuring proceedings of the meetings which have recently been held at Middletown, in Lancashire, and Aberdane, in South Wales, notice of which accompanied the despatch which is now before me.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *dc.*, *&c.*

Mr. Seward to Mr. Adams.

No. 509.]

DEPARTMENT OF STATE,

Washington, March 11, 1863.

SIR: I have to acknowledge the receipt of your despatch (No. 331) of the 19th ultimo, relative to the resolutions of the New York Mutual Insurance Company, concerning depredations committed by the piratical steamer Alabama, and to inform you that your proceedings as therein stated are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c.*, *&c.*, *&c.*

Mr. Seward to Mr. Adams.

No. 510.]

DEPARTMENT OF STATE,
Washington, March 11, 1863.

SIR: Your despatch (No. 333) of the 20th ultimo has been received, and the note which you addressed to Earl Russell, on receiving intelligence of the arrival of the Sumter at Liverpool, is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 349.]

LEGATION OF THE UNITED STATES,
London, March 13, 1863.

SIR: The law officers of the crown having consumed some weeks in meditating on my several notes to Lord Russell, of the 9th, the 16th, and the 19th of February, copies of which were submitted to you in my respective despatches, Nos. 322, 331, and 333, appear to have relapsed into their old theory of want of power to do anything at all to protect a friendly nation from the hostilities of British subjects who knowingly violate the injunctions of the Queen's proclamation.

I now have the honor to transmit copies of notes from Lord Russell, all dated the 9th instant, respectively, in answer to mine already mentioned. I mention them all in one letter, because they differ only in relation to the details, and all equally rest on the practical abnegation of will as well as of power to perform obvious international obligations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Lord Russell to Mr. Adams, March 9, 1863, on intercepted correspondence.
2. The same to the same, March 9, 1863, on the Sumter at Liverpool.
3. The same to the same, March 9, 1863, on claim of New York Mutual Insurance Company for ravages of No. 290.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March 9, 1863.*

SIR: With reference to my letter of the 12th ultimo, I have the honor to inform you that her Majesty's government have fully considered, in communication with the law officers of the crown, the copies of intercepted correspondence enclosed in your letter of the 9th ultimo, and which you represent as showing "a deliberate attempt to establish within the limits of this kingdom a system

of action in direct hostility to the government of the United States; this plan embracing not only the building and fitting out of several ships-of-war under the direction of agents especially commissioned for the purpose, but the preparation of a series of measures, under the same auspices, for the obtaining from her Majesty's subjects 'the pecuniary means essential' to the execution of these hostile projects."

I have now to state to you that this correspondence does not appear to her Majesty's government to contain any sufficient evidence of "a system of action in direct hostility to the United States" on the part of any of her Majesty's subjects.

It goes merely to show that agents of the so-called Confederate States, resident in this country, have received instructions from their own government to endeavor to raise money on securities of that government in England, and to enter into contracts for the purchase of munitions of war, and for the building of iron-clad vessels; but there is no proof in these papers that the agents referred to have as yet brought themselves within the reach of any criminal law of the United Kingdom; for, even supposing that they have acted on their instructions, it is not contrary to law for her Majesty's subjects to lend money, on securities or otherwise, to the persons administering the government of the Confederate States, nor to sell to that government ordinary munitions of war.

With respect to the building of iron-clad steamers for either belligerent governments, although this is clearly prohibited by the foreign enlistment act, her Majesty's government do not find in this correspondence sufficient information that anything of that kind has actually been done within this country which could form matter for a criminal prosecution.

I have the honor to be, with the highest consideration, sir, your obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c. &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March 9, 1863.*

SIR: I have the honor to inform you that her Majesty's government have had under their consideration, in communication with the proper law advisers of the crown, your letter of 16th ultimo, stating that you had received information of the arrival of the steamer *Sumter* at Liverpool, and calling my attention to the bearing on this case of her Majesty's proclamation limiting the stay within British ports of vessels-of-war belonging to either of the belligerent parties.

I have now to inform you that her Majesty's government, in the present state of their information on the subject, are unable to assume, as you appear to do, that the ship lately called the *Sumter* has not been legally and *bona fide* sold to a British owner for commercial and peaceful purposes; and, unless it were established that the sale was merely fictitious, her Majesty's proclamation, to which you refer, cannot be deemed applicable to that vessel in the port of Liverpool.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March 9, 1863.*

SIR: I have the honor to acquaint you that her Majesty's government have under their consideration your letter of the 19th ultimo, enclosing a copy of a memorial which has been addressed to the United States Secretary of State by the New York Mutual Insurance Company, claiming the repayment by her Majesty's government of certain policies of insurance upon the United States vessels Brilliant and Manchester, which have been destroyed on the high seas by the confederate steam vessel Alabama

I have the honor to state to you that her Majesty's government entirely disclaim all responsibility for any acts of the Alabama, and they had hoped that they had already made this decision on their part plain to the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

Mr. Adams to Mr. Seward.

[Extract.]

No. 350.]

LEGATION OF THE UNITED STATES,
London, March 13, 1863.

SIR: I have the honor to transmit to the President the resolutions adopted at public meetings held in Cirencester, in Gloucestershire, and Bolton, in Lancashire.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

RESOLUTIONS AT CIRCENCESTER.

CIRCENCESTER, *March 8, 1863.*

SIR: I beg to inform you that at a public meeting of the inhabitants of Cirencester, held on the 4th of March, and attended by about eight hundred persons, the honorable Ashley Ponsonby, M. P. for the borough, being in the chair, the following resolutions were adopted:

1st. Proposed by Mr. Isaae Pitt, seconded by the Rev. Jn. Dredge, Wesleyan minister:

"That this meeting desire to express its abhorrence of the inhuman and demoralizing system of negro slavery, and to protest against the recognition of a government which declares slavery to be the 'corner-stone' of its policy."

2d. Proposed by Mr. Thos. Brenin, seconded by Mr. Jn. Beecham, and supported by Mr. Geo. Thompson:

“That Abraham Lincoln having been elected President of the United States on the avowed principle of resisting the further extension of slave territory, and his inauguration having been met by a gigantic rebellion, the undisguised object of which was to extend and perpetuate slavery, he is entitled to our sympathy in the difficult position in which he is placed, more especially considering the earnest he has given of his antagonism to slavery by the treaty concluded with Great Britain for suppressing the slave trade; by the act abolishing slavery in the District of Columbia, and by his proclamation of the 1st January, declaring the slaves in the rebel States forever free.”

3d. Proposed by the Rev. J. Stratford, independent minister, seconded by Mr. H. Alexander:

“That this meeting, in returning thanks to the people of America for their noble offering to the distressed operatives of Lancashire, would express the hope that reciprocal acts of kindness and good will may dispel the illusion that the people of England and the United States are hostile in their feelings to each other.”

I remain, sir, your obedient servant,

JN. BEECHAM.

His Excellency C. F. ADAMS.

Mr. Seward to Mr. Adams.

No. 511.]

DEPARTMENT OF STATE,
Washington, March 14, 1863.

SIR: Herewith you will receive twenty copies of the minutes of the proceedings of the Chamber of Commerce of the State of New York on the continued piracies of vessels fitted out in Great Britain upon American commerce. I will thank you to cause them to be distributed in proper quarters, with a view to promote the adoption of such measures as will prevent the recurrence of acts of the nature complained of.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 512.]

DEPARTMENT OF STATE,
Washington, March 16, 1863.

SIR: You will communicate to the thirteen thousand five hundred inhabitants of Birmingham the sincere and grateful thanks of the President for the sentiments which they have expressed in their address, which, through my hands, has been laid before him.

You will say to them that they have truly interpreted the character and nature of the contest in this country, which so largely engages the attention of foreign nations. The question which is being decided in arms is, as they have truly said, whether a nation shall be built and established, even here in the heart of this hitherto free country, and upon this yet new and imperfectly reclaimed continent, upon the principles that labor shall be not free and compensated, but involuntary and unpaid; and that African men, women, and

children, once made captive on their native coasts by fraud or force, and imported here thereby, shall lose at once all the rights of manhood, and forever thereafter, through all generations, shall be merely lawful goods and chattels, wares, and merchandise. It is not, however, the President, nor yet the loyal people of the United States, who have raised this issue, or brought it to the trial of civil war. Lawfully standing under, and solemnly bound by, the public will and the laws of the Union, to uphold a Constitution which was established with the concurrence of the insurgents themselves upon the broad foundation of human rights, this government and the American people have accepted the fearful issue only when that Constitution itself must be surrendered, if the conflict should be longer declined. We occupy at one and the same time the position of lovers of peace and defenders of humanity. The President has not for one moment believed—he refuses to believe—against all expositions of British and of European opinion to the contrary, no matter how assuming or how authoritative they may appear, that the deliberate judgment of the British nation in such a case has been or can well be pronounced against the American people.

Under these circumstances the President could not fail to appreciate the evidence which is now so spontaneously furnished to him by the men of Birmingham, so well known to all the world by their genius, their arts, their industry, their political sagacity, and their indomitable devotion to freedom, in support of his judgment upon a question that affects so deeply the interests of our country, and the prospect of civilization throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 513.]

DEPARTMENT OF STATE,

Washington, March 16, 1863.

SIR: Your despatch of February '26 (No. 334) has been received, together with the papers therein described.

The address of the inhabitants of Birmingham is made the subject of a special reply of this date, and numbered 512.

You are authorized to assure the workingmen of Edinburgh and the inhabitants of Paisley that their just and generous resolutions are accepted by the President of the United States as an earnest of the ultimate and final judgment concerning the present important crisis in our national progress of a portion of the British nation, which is unsurpassed in intelligence and virtue by any community that is now existing, or that ever has existed, among men.

In behalf of the President, and in answer to the operatives and others of Luddenden Foot and Halifax, you will say that, even though the people of the British islands, forgetful of their history, their fame, and their destiny, should unanimously consent and lend their moral influence and material support to the insurrection that is now in arms against this government, yet the government and the people of the United States would, nevertheless, even in that case, take abundant care that no nation should be built and established on this continent upon the basis of enduring and expanding African slavery.

You will convey to the people of Aberdane the President's thanks for the earnestness and vigor with which they have vindicated the cause of the United States in the resolutions which they unanimously passed at a second meeting, larger and more enthusiastic than the one the proceedings of which I have here-

tofore had the honor to acknowledge. Welshmen and their descendants form no inconsiderable part of the population of the United States. So far as my knowledge extends, not one of them has ever taken up arms in favor of the insurgents, or sympathized with them in the cause which is so justly revolting to the people of their native principality.

You are authorized to say to the people of Oldham, in Lancashire, that the United States confidently expect that their cause will command the good-will and sympathy of all mankind, just so fast as the hindrances of information concerning its true character and nature shall be overcome. That the people of Lancashire, which of all places in Great Britain was the first and the most severely to suffer by the conspiracy of slavery in this country, should nevertheless be the first to truly understand and pronounce themselves upon the crisis, is a distinction which entitles them to the especial and most hearty thanks of the United States.

To the people of Merthyr Tydfil you will please express the profound and grateful satisfaction with which the President has learned, from the proceedings of their meeting held at Tabernacle chapel on the 2d of February last, that they harmonize and sympathize in the sentiment concerning our domestic troubles with the enlightened citizens of other parts of South Wales. Their address will be preserved among the most precious memorials of the crisis through which our country is passing with so much constancy and perseverance.

You will say to the citizens of Carlisle that they do not more heartily protest against British intervention in our civil war than this government deprecates and repels foreign intervention from any quarter on any pretext whatsoever. The United States having had slavery planted among them two hundred years ago, and been obliged by the force of circumstances and the influences and agencies of other countries to tolerate its growth and expansion, have at last reached the time when either the Union must stand and remain in its constitutional form, covering all its lawful domain, or it must give place to a new nation that shall proscribe freedom and spread slavery over the whole continent. In such a crisis the United States simply ask that the people of England make good the neutrality they have proclaimed by withholding arms, men, and material of war from both sides, and, so far as their sympathies are concerned, express them in behalf of the cause that commends itself most to the favor of God and to the concurrence of mankind. The President is glad to learn from their resolutions that the inhabitants of Carlisle so heartily concur with him in these sentiments.

Finally, you are authorized to say, in behalf of the President, to the inhabitants of Rawtenstall, in Lancashire, that he holds in the highest respect that simple and natural, yet unerring, sagacity which has enabled them to discern, amid all the clouds of passion and prejudice which have gathered from the first upon the American question, its true and noble character, while at the same time they have entitled themselves, with the other citizens of Lancashire, to the thanks equally of Great Britain and the United States by their refusal to be made agents in a cruel attempt to alienate two nations which are not less required by the highest obligations of duty than impelled by the force of a common nature to be inseparable friends.

It is, perhaps, unnecessary to add, that in each of these cases, adhering to our accustomed course of proceeding, you will, in your own discretion, modify, and even withhold, the communication which is directed to be made, and that no intercourse whatever will be held with subjects of her Britannic Majesty concerning the questions involved that shall not have been first freely consented to by her Majesty's principal secretary of state for foreign affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Supposed list of the persons to whom the replies on behalf of the President ought to be addressed.

Edinburgh.—John Beaton, secretary of the United Trades Council, chairman.

Paisley, Scotland.—David Campbell, esq., chairman.

Luddenden Foot, Halifax.—Joseph Bottomly, chairman.

Aberdane, South Wales.—Rev. W. Edwards, chairman.

Oldham, Lancashire.—Thomas Emmott, esq., chairman, Belmont Terrace, Middleton Road, Oldham.

Merthyr Tydfil, South Wales.—Charles H. James, chairman.

Curlisle, Cumberland county.—James Ross, chairman.

Rawtenstall, Lancashire county.—Peter Ormerod Whitehead, esq., chairman.

Mr. Seward to Mr. Adams.

No. 514.]

DEPARTMENT OF STATE,
Washington, March 16, 1863.

Your despatch of February 26 (No. 337) has been received, and the hopeful view of European opinion concerning our affairs is happily coincident with a returning calmness and firmness of public confidence at home. Nothing was ever more preposterous than the idea engendered here, and sent abroad to perplex Europe, that an American Secretary of State would employ a plenipotentiary of the Emperor of France to negotiate with American insurgents, and that a plenipotentiary of such a power would accept such a mission. Happily, European credulity is becoming unable to bear the tests enforced upon it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 515.]

DEPARTMENT OF STATE,
Washington, March 16, 1863.

SIR: Your despatch (No. 338) of the 27th ultimo, relative to the surreptitious exportation of specie from Mobile in the British war vessel Vesuvius, has been received. Although information of disapprobation of the course of Mr. Vice-Consul Magee in the matter had previously been communicated by Lord Lyons, it is gratifying to have the confirmation thereof which your despatch affords, for which you will make proper acknowledgments to Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 351.]

LEGATION OF THE UNITED STATES,
London, March 19, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 486 to 502, both inclusive.

Almost all the despatches have reference to the addresses and resolutions which have been heretofore forwarded through this legation, and supply the materials for a reply in each particular instance. At the same time a general discretion is given me to act upon them, always provided that her Majesty's government should be consulted in regard to the course ultimately adopted.

* * * * *

I shall postpone any action in these cases until I shall have heard of the decision of the President on the whole question as presented in my despatch (No. 339) of the 5th of March.

I now transmit the resolutions adopted at public meetings held at Southampton on the 12th and Newark-upon-Trent on the 11th instant.

I am informed that the Emancipation Society is actively engaged in extending and strengthening its affiliations through the country, but I take no part whatever in their proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

RESOLUTIONS AT SOUTHAMPTON, ENGLAND.

Copy of resolutions passed by a public meeting on negro emancipation, held at the Carlton Hall, Southampton, on Thursday, March 12, 1863.

Alderman Palk, J. P., in the chair.

Moved by Alderman Clark, J. P., and seconded by Rev. E. Kell, M. A.:

1st. That the revolt of the southern States against the federal government of America having originated in a desire, not only to maintain negro slavery, but to extend it, with all its concomitant evils, this meeting can have no sympathy with a rebellion which is in defiance of every principle of political justice, and for the establishment of institutions framed in opposition to the moral sense of civilized humanity, and which are contrary to, and an outrage upon, the religion whose sanction has been claimed in their support.

Moved by the Rev. Thomas James, and seconded by Edwin Hame, esq., M. B.:

2d. That this meeting rejoices in the abolition of slavery in the District of Columbia, the prohibition of slavery in the Territories, the scheme of compensated emancipation, and the proclamation which inaugurated the present year, as the principal acts of President Lincoln, and that this meeting offers to the government and the people of the loyal States the assurance of fraternal sympathy in their noble struggle.

Moved by William Randall, esq., J. P., seconded by Mr. Richard Smith:

3d. That a copy of the foregoing resolutions be forwarded to the Hon. Charles Francis Adams, American minister, with a request that he will transmit them to the President of the United States.

EDWARD PALK, *Chairman.*

RESOLUTIONS AT NEWARK, ENGLAND.

Resolutions adopted at a public meeting of the inhabitants of Newark-upon-Trent, held in the Corn Exchange, March 11, 1863.

The Reverend T. B. Attenborough in the chair.

It was proposed by Mr. John Brooks, and seconded by Mr. Joseph Harris, and carried unanimously :

“That, in the opinion of this meeting, slavery is a curse, a blight, and a stain upon our common humanity, and that the war now raging in America, having been originated by the leaders of the southern States for the purpose of extending and perpetuating slavery, according to their own avowed intentions, deserves the condemnation of all civilized communities.”

It was also proposed by Mr. Thomas Earp, and seconded by Mr. John Gilbert, and carried unanimously :

“That this meeting highly approves of the emancipation policy pursued by the United States government under President Lincoln, and declares that any intervention, physical or moral, in behalf of the slave power, would be disgraceful, and urges her Majesty’s government to observe and support a continuance of the policy of non-intervention.”

It was also proposed by Mr. Pinder, and seconded by Mr. Joseph Smith, and carried unanimously :

“That copies of the foregoing resolutions be forwarded to Mr. Adams, with a request that they be sent to President Lincoln, and that copies be also addressed to the members for the borough.”

T. B. ATTENBOROUGH, *Chairman.*

Mr. Adams to Mr. Seward.

[Extracts.]

No. 352.]

LEGATION OF THE UNITED STATES,
London, March 19, 1863.

SIR: I have the honor to transmit copies of two notes which I had addressed to Lord Russell, in reply to two of his, dated on the 9th, copies of which were sent to you last week.

* * * * *
I shall proceed hereafter only upon the instructions which shall be forwarded to me from your department.

The position which his lordship has taken in regard to the invitation of a loan for the rebels appears to be directly in contravention of the law heretofore laid down in the British courts. Encouraged by the tone of the press, this loan has been announced in the markets of France and this country. Of its success there appears to be much doubt. But if successful, so far as I see, it liberates the government of the United States from all further obligations to facilitate the exportation of cotton. And if the statement be true that the rebel authorities have prohibited the transfer of cotton to any parties but themselves, it appears to justify the seizure and condemnation of it wherever it may be

found. For virtually this makes all the cotton remaining under the rebel control security for money furnished to them in order to carry on the war.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WM. H. SEWARD,

Secretary of State, Washington, D C.

[Enclosures]

1. Mr. Adams to Lord Russell, March 14, 1863, on failure of his remonstrance to prevent the Sumter remaining at Liverpool.

2. Same to same, March 14, on rebel loan, and war-ship building in Great Britain.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, March 14, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 9th instant, in reply to mine of the 6th ultimo, respecting the case of the steamer Sumter. Your lordship apprises me that "her Majesty's government, in the present state of their information on the subject, are unable to assume" that the ship lately "called the Sumter has not been legally and *bona fide* sold to a British owner for commercial purposes," thereby leading me to infer that a sale, if so effected, would be regarded as valid by them, to change the property of a belligerent in a neutral port.

But I must ask pardon for calling your lordship's attention to the fact that such has not been the construction heretofore put upon the law by the courts of Great Britain when applied to belligerent vessels of their own enemies in neutral ports. In the learned work on international law, published not long since by Mr. Robert Phillimore, the same eminent individual who has since been elevated to the position of a legal adviser of the crown, I find it expressly affirmed that the purchase of ships-of-war belonging to enemies is held in the British courts to be invalid. And, further, that though the purchase of merchant ships be not illegal, it is liable to great suspicion, and requires to be established by the clearest proof. Furthermore, should the ship, after such transfer, "be employed under the management of a hostile proprietor, the sale will be deemed merely colorable and collusive."—(Commentaries on International Law, vol. 3, pp. 307-8.)

I think I have already furnished sufficient evidence to your lordship to show that the sale of this vessel is open to each and all of these objections, whether it be considered as a public or a private transaction. But her Majesty's government, in furnishing shelter for so long a period to the Sumter in the harbor of Gibraltar, as a ship-of-war of a belligerent, has determined the character of the vessel. I have reason to believe that during the whole of the late war with Russia her Majesty's government steadily refused to recognize the transfer of any vessels of that nation in neutral ports. It does not, then, seem unreasonable if, on behalf of my government, I respectfully venture to enter a remonstrance against the readiness with which your lordship appears to recognize the validity of a transaction which the law not only presumes to carry fraud on its face, but the highest authority in Great Britain declares to be invalid altogether.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,
 CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, March 14, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 9th instant, in response to mine of the 9th ultimo, which laid before you copies of intercepted correspondence, "going," as I alleged, "to show a deliberate attempt to establish within the limits of this kingdom a system of action in direct hostility to the government of the United States." Your lordship observes that this correspondence does not appear to her Majesty's government to contain any sufficient evidence of the allegation.

I beg leave only to suggest that if a direct appointment of an agent to establish himself in Great Britain for the purpose of making contracts for the construction and equipment of six iron-clad steamers, to be used in warring upon the United States; if the direct nomination of a British subject to act as resident agent for the raising of money to be used in payment of all this warlike outfit, and if the proposed establishment of naval officers in Great Britain for the purpose of superintending and constructing the vessels built to cut up the commerce of the United States do not show "a deliberate attempt to establish within the limits of this kingdom a system of action in direct hostility to the government of the United States," then must I despair of ever being able to convince your lordship of the possibility of any violation of the neutrality of her Majesty's territory short of a direct attack upon a vessel of the United States within the limits of her jurisdiction.

It is not without profound regret that I shall do myself the honor to transmit a copy of your lordship's note for the consideration of my government. I need not say that the conviction is very general in the United States that the war has been continued and sustained by the insurgents for many months past mainly by the co-operation and assistance obtained from British subjects in her Majesty's kingdom and its dependencies. That this impression has not been founded upon limited evidence, I think I may affirm on the strength of the many papers which I have heretofore had the honor to submit to your lordship's consideration. Having thus far found her Majesty's government unfortunately confessing itself without power to take the necessary steps to interpose effective obstacles to the prosecution of this system of warfare, notoriously established in some of the ports of the kingdom, I shall abstain for the future from adding, through the failure of representations on my part, to the irritation which this state of things is very naturally aggravating among my countrymen.

Should my government furnish me with instructions to renew the subject, I shall do myself the honor to lay them before your lordship at the earliest moment.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

"SOUTHERN AID" MOVEMENT IN ENGLAND.

PRELIMINARY PROSPECTUS.

The London and Confederate States Bank—capital £2,000,000, (with power to increase this amount.)

In 20,000 shares of £100 each. Deposit £2 per share, with a further deposit on allotment of £2.

In organizing the proposed London and Confederate States Bank, it is assumed that the recognition of the southern States must ultimately, if not even very shortly, be an accomplished fact.

It is, therefore, thought desirable that preliminary measures should at once be taken to form an establishment, which will be prepared to commence operations on the resumption of trade.

It is confidently felt and openly asserted that every effort will be made by the mercantile community of the south to carry on their financial and export operations entirely independent of previously existing channels, and that New York will cease to be the medium through which shipments and financial business has hitherto been conducted.

Norfolk, from the excellence of its harbor, facility of approach, depth of water, and salubrity of its position, will afford equal, if not superior, advantages to New York, and will likely take the lead for passenger traffic and postal arrangements with mail steamers.

Wilmington, Charleston, Mobile, and Savannah offer the readier and cheaper despatch of the more bulky articles, as cotton, grain, &c., &c., whilst New Orleans will continue to forward the huge supplies floated down the Mississippi.

A further encouragement for the immediate prosecution of a scheme of this nature is to be found in the hope and expectation that any assistance and countenance given to the Confederate States before their internal troubles have terminated will, at a future time, tend to cement those good feelings which are so strongly entertained towards them, and which so many in this country earnestly desire should be mutual.

LONDON, *March 14, 1863.*

Mr. Adams to Mr. Seward.

[Extract]

No. 353.]

LEGATION OF THE UNITED STATES,
London, March 12, 1863.

SIR: The three printed documents relating to America furnished to Parliament by the government were received last week at too late an hour to permit of anything more than simple transmission. You will have read and examined them so carefully before this reaches you as to render much comment from this side superfluous.

The publication has been received here by the press in a somewhat peculiar manner. Scarcely a word of comment is made upon the case of the gunboat No. 290, but an effort is attempted to affect the treatment of Mr. Mason's complaints as a species of make-weight against the tacitly assumed neglect of the national obligations towards a friendly nation. The force of this sort of reasoning will doubtless be equally appreciated by both the parties affected by it. I wish it could have some effect in convincing them of the folly of their strife.

The publication of the letter of Lord Lyons, written on the 17th of November, it may be presumed, was scarcely contemplated by him when writing it, and still less by the parties in New York, whose conversation he reports.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 521.]

DEPARTMENT OF STATE,

Washington, March 23, 1863.

SIR: I transmit with this despatch a communication made to this department by Mr. Edward Trowbridge, giving an account of hospitalities shown by the British local authorities at Barbadoes to the piratical steamer Florida. The facts thus related, taken together with the previous history of that vessel, make out the following case, namely:

That the British government, though warned during the progress of the transaction, nevertheless did not prevent the Florida from being built, manned, armed, and equipped in the port of Liverpool, in Great Britain, and sent out on an expedition for the purpose of destroying American commercial vessels on the high seas; that this vessel reached Mobile, escaping the vigilance of the blockading squadron of the United States; that, after a long detention there, she made her way out of that port and captured, on the high seas, two unarmed American vessels, robbed them of their cargoes, and then sunk the vessels. Having completed these acts of piracy, she proceeded directly to the port of Barbadoes, received there a shelter, and took on board one hundred tons of coal, with provisions and clothing. It does not appear that these supplies were furnished to her on the plea of distress, but, on the contrary, they seem to have been asked and conceded upon the ground that any vessel of her known character and occupation is held entitled to enter some British port to procure supplies and provisions once in every period of three months, without even entering any port of the United States, or subjecting or taking any proceedings to subject the legality of her captures, or other depredations, to trial by any tribunal in any country whatever. Even if the United States could concede that the insurgents now in arms against them are a lawful belligerent, they must still hold that for a friendly nation to permit such a belligerent to use its ports for fitting out, supporting, and maintaining cruisers upon the high seas, amenable to no national authority whatever, is an act not warranted by the laws or customs of civilized nations.

The President is unable to see in this transaction anything different from a case of open piracy rendered effective through the mistaken toleration of subordinate authorities of the British government in Great Britain and her colonies. No bounds can be assigned to the probable operations of vessels thus practically sent forth and maintained upon the high seas by British subjects through this mistaken toleration of the authorities. What can be foreseen is, that if the practice shall be suffered to continue, it cannot fail to require such remedies as the United States shall have the ability and the lawful right to adopt, even if such remedies should unavoidably prove injurious to the commerce of friendly nations, or to the harmony between the two countries, so eminently to be desired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 522.]

DEPARTMENT OF STATE,
Washington, March 24, 1863.

SIR: The Arabia's mails have not been received, although the hour for the departure of the post to meet the outgoing steamer has arrived.

There is no certain news, though in the main encouraging reports come from the Mississippi. The demonstration on Charleston is delayed by reason of casualties that befell some of the machinery at sea. The promptest possible means have been taken to repair the difficulty.

Confidence is manifestly reviving in the country, and unmistakable signs of exhaustion appear in the insurrectionary region.

You will not give credit to newspaper statements about a decision in no case to employ private armed ships. The President, as you might well imagine, considers—he does not yet decide.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 523.]

DEPARTMENT OF STATE,
Washington, March 24, 1863.

SIR: It is possible that Mr. Dudley may have called your attention to the fact stated in the accompanying extract from a despatch of his of the 3d instant, to this department, namely, that Klingender & Co., of Liverpool, notorious agents of the insurgents there, are also the reputed owners of the Sumter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 528.]

DEPARTMENT OF STATE,
Washington, March 26, 1863.

SIR: Your despatch (No. 343) of the 6th instant, transmitting a copy of your note to Earl Russell of the 2d instant, upon the subject of the dismissal of her Majesty's consul at Mobile, has been received, and I take satisfaction in informing you that your note is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract]

No. 354.]

LEGATION OF THE UNITED STATES,
London, March 26, 1863,

SIR: I have to acknowledge the reception of despatches from the department, numbered from 503 to 506, both inclusive; a printed circular, No. 32, of the 8th February, accompanying the homestead law; a printed circular, dated 9th March, with the joint resolutions of Congress in regard to proposals of mediation; two copies of the 2d edition of the Consular Manual; the National Almanac for 1863, and the ratification of the additional article to the treaty for the suppression of the African slave trade. Immediately after these papers came to hand I made the customary application to the secretary of the foreign office for a special interview. Lord Russell has acceded to the request, and fixed this day at three o'clock to see me. A report of the conference will be sent you in a later despatch.

Last week there was transmitted from this legation a printed copy of the proposals to open a loan here for three millions sterling on the basis of cotton supposed to be in the hands of the so-called authorities at Richmond. By virtue of concerted operations between parties specially enlisted in Liverpool, Manchester, and London, and the various newspapers, a great appearance of success was at first imparted to it, and stories were extensively circulated of offers made to an amount five times greater than the sum wanted. As a consequence, it was formally announced that the premium for the bonds before issued had run up at once as high as five per centum; hence the affair was pronounced a great success. This was on Saturday last, but since that time the premium is reported as steadily falling the three days of this week, until yesterday, when it went down to one-half per cent., and then rallied again to one and a quarter.

On the whole, I am led to the conclusion that the loan has been mainly taken, in the first place, by parties who are creditors to the rebels for supplies of all kinds heretofore rendered, and who expect to be able to get out by prompt sales; and secondly, by another class who have been tempted by the visionary great profits to be obtained on the ultimate acquisition of the cotton security at what appears a low price.

The substantial advantage to the rebels is the ability thus obtained to continue their extensive operations here in outfits of vessels and munitions of war. But the contract with the undertakers is understood to have been made at such an oppressive rate as not to net the borrowers quite half of the nominal amount of the loan, whilst the terms of payment are so slow and gradual as to place but small resources in their hands at any one time. The probability is, that the sums to be received have already been pretty much absorbed by the engagements made or making on this side of the water.

The effect of this measure has been quite considerable. On the one hand, it appears to release the government of the United States from all further obligation to facilitate the export of cotton to foreign countries. Practically the article becomes contraband of war quite as much as those of cannon, gunpowder, and rifles, which it now exclusively represents. On the other, the conviction of the objects for which this money is mainly to be used has given an additional impetus to the efforts of persons friendly to the maintenance of peaceful relations with us. They well understand the policy adopted by the rebel emissaries to blow up strife by the multiplication of these piratical cruisers as causes of irritation, and in the end hostilities, and hence they become more earnest in their demands upon this government for increased energy in checking it. As an

evidence of this I transmit copies of a petition of the Union and Emancipation Society of Manchester to Parliament, which has been presented by Mr. Bright. There is to be a great assembly of the Trades Unions of London this evening at St. James's Hall, where Mr. Bright has consented to preside, at which it is expected that similar sentiments will be strongly expressed. I have received a very friendly invitation to be present, in order to be myself a witness of the tone of the working classes on this subject, but I respectfully declined on the ground of my wish to avoid even the suspicion of a desire to bias the free and independent expression of the public opinion here.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts]

No. 355.]

LEGATION OF THE UNITED STATES,

London, March 26, 1863.

SIR: I have the honor to transmit to you copies of the Daily News and the Morning Post, of the 24th instant, containing a report of the speeches made in the House of Lords the previous evening on American affairs. * * * The reply of Lord Russell will doubtless attract much more of your attention. I think it, in spirit, the most satisfactory of all the speeches he has made since I have been at this post. Had he commenced in the same tone in May, 1861, when I arrived, things would have been now in a much more satisfactory state between the two countries than they are. The fact that not a word more was uttered in an assembly not less than four-fifths of whom may be fairly regarded as no well-wishers to anything American is not without significance. In this connexion it may be advisable for you to glance at the comments made on this debate by the London Times of the following morning. It will not escape your observation that the question is now felt to be taking a shape which was scarcely anticipated by the managers when they first undertook to guide the British mind to the overthrow of free institutions in America.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 356.]

LEGATION OF THE UNITED STATES,

London, March 27, 1863.

SIR: I am now to report the result of my conference with Lord Russell at three o'clock yesterday.

I began by expressing my regret that circumstances seemed to be once more conspiring to embarrass the friendly relations between the two governments. It had been my constant effort ever since I came, so far as I could, to defeat the

machinations of those ill-disposed people whose object had been from the first to sow strife. But late events led me to fear that at last they might gain their point. Of the nature of the present danger I did not know that I could give his lordship a better idea than by laying before him a copy of a letter which had been transmitted to me by one of many active friends of peace in this country as having been lately received by him from a responsible person in London. This would serve to show the nature of the means upon which these desperate rebel conspirators counted to inflame animosities between us.

I then read the letter, a copy of which I send you with this despatch.

* * * * *

The object of asking the interview I then explained to be an earnest desire to obtain the active co-operation of her Majesty's government to prevent the danger growing out of these machinations. Without such action I very much feared they might succeed; for I was now charged with the duty of laying before his lordship a frank statement of the difficulties under which my government labored in consequence of the increasing irritation of the people by reason of the successive accounts of the depredations committed by the two gunboats fitted out from here. My best course, I thought, would be to read to him for his information the despatch on the subject which I had just received, though I was not instructed to do so, nor to leave a copy of it. I then, with his assent, read your No. 505. After I had finished it, I added an expression of my own strong conviction that the measure of issuing letters of marque therein referred to was one very distasteful to the government. I had myself great doubt of its efficacy, not less than of its expediency. In my view it would rather be like playing into the hands of the common enemy of both countries. But still it was not to be denied that the people in America felt as if they were now suffering from all the effects of war waged from this side of the water whilst their own hands were tied behind them. They very naturally argued that if such operations were to be carried on without any effectual labor to prevent them on the part of the government here, it was about as well to let the game be opened to both sides. I did not give this as conveying my own opinions, but simply to put his lordship in possession of the views held at home. And unless the government and those of us who were disposed to preserve amicable relations were furnished with some evidence of action to prove the determination of her Majesty's government to exert its power to protect us from the effects of this misconduct of a portion of her own subjects, it seemed impossible to resist the force of this popular reasoning.

His lordship then went over much of the same ground heretofore taken by him on the nature of the contest and the desire of Great Britain to remain perfectly neutral. He adverted to the action of certain people at Liverpool as of a kind which he had always disapproved, to convince me of which he referred to his letter of last year, which had, he said, excited much dissatisfaction among them. I replied by reminding his lordship of the fact, as shown in the published diplomatic correspondence, that I had endeavored to give full credit at home to that letter. But the difficulty now was that we needed something more like evidence of efforts to prevent threatened evils.

His lordship said that the government was sincerely desirous to do all it could. Any attempt to go beyond the law would only end in disappointment. They had carefully consulted on the matter, had examined their powers, and were ready to exert them to the utmost. He had made some explanation of his views in the speech he had made on Monday evening. He had since received a note from Lord Palmerston expressing his approbation of every word of that speech.

I said that I also had been much gratified in reading that speech. It would be regarded in America as altogether the most friendly which emanated from his lordship since the beginning of the troubles. Had the same sentiments been

expressed then we should not have been where we now are. I must also add that I should be highly gratified in writing home the substance of what he had said of Lord Palmerston.

* * * * *

What was much needed in America was not solely evidence of action to prevent these armaments. It was the moral power that might be extended by the ministry in signifying its utter disapproval of all the machinations of the conspirators against the public peace. Hitherto the impression was quite general, as well in America as in this country, that the ministry held no common sentiment, and were quite disposed to be tolerant of all the labors of these people, if not indifferent to them. Here they were absolutely sustaining the rebels in the prosecution of the war, by the advance of money, of ships, and of all the necessaries with which to carry it on as well by sea as on the land; and upon such notorious offences ministers had never yet given out any other than an uncertain sound. The effect of this must be obvious. It encouraged the operations of British instigators of the trouble on this side, who believed that they were connived at, and so believing carried on their schemes with new vigor; whilst, on the other, it confirmed the popular impression in America that the government policy was really at heart hostile, and therefore should be met in a corresponding spirit. These were the views commonly held as they appeared to me from the calmest consideration I could give to the whole subject. I regretted them the more that I believed they were founded in a mistake, which might lead to very bad consequences. I should do what I could in deprecating any present resort to so doubtful a remedy as that of issuing letters of marque.

There was a strong and a growing popular sentiment throughout the kingdom which might be relied upon partially to counteract the dangers which I feared. But I could not too earnestly beg his lordship at this crisis to think of the value that would in this sense attach to any unequivocal expression by persons in high authority of their condemnation of all enterprises in violation of the neutrality of this kingdom, now projected or in process of execution, within its limits.

His lordship's tone throughout this conversation was unequivocally friendly, and I thought him not unimpressed by the earnestness of my representations. He went so far at one time as to express regret at the failure to prevent the departure of the two privateers. But he evidently considered it as a misfortune rather than a fault, which should be now repaired by us through the application of our "vast resources" to the capture of the offenders. He wondered that we had not done so. I replied that it was not for want of effort. But it should be remembered that this was a somewhat novel kind of warfare on the ocean. It consisted of depredation on the innocent and the unarmed, and running away from the strong and those prepared for defence.

The gunboats were known to be very fast vessels. The great improvement made in steam navigation had given facilities for this kind of piracy never before known, especially in favor of those who had nothing to lose, and against those who had commerce spread over every sea. I then gently reminded him that no nation would take more chances against itself by tolerating such a practice than Great Britain. A concentrated effort made to surprise its navigation in remote portions of the globe might sweep half of it away before it had time to turn round and lay its hand on the right instruments to use for prevention, and then it would have the task before it of a wide and long chase after an offender swift to escape his punishment.

Having disposed of this matter, I next turned to the subject of the joint resolutions of Congress on foreign intervention, and agreeably to your instructions, contained in the printed circular of the 9th March. I offered to read them to his lordship, or to leave a copy, as he might prefer. He said that Lord Lyons had already sent a copy of them, which he had read. His opinion on that subject was sufficiently known. He would, therefore, take a copy, which I accordingly

put into his hands. Lastly, I alluded to a letter which had been sent to me from a respectable person at Liverpool, an earnest friend of peace and good will, urging me to suggest the propriety of prosecuting the parties known to have been connected with the outfit of the gunboats in Liverpool.

I said that I should not be unwilling to recommend my government to initiate any suitable form of proceedings if necessary, and if with the slightest hope of success in procuring conviction. I thought it no more than proper to present the subject to his lordship's consideration. He said he would think of it, and take advice. Should it appear that anything effectual could be done he would let me know.

I have by no means reported the whole of this conversation, which lasted more than an hour. The conclusion which I draw from it is, that the government is really better disposed to exertion, and feels itself better sustained for action by the popular sentiment than ever before. * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

LONDON, *March 20.*

SIR: You are doubtless aware that the money received from the confederate loan is to be applied to the payment of sundry vessels building for the confederate government at sundry English ports, which vessels are to be got to sea at any cost. The south believing that the irritation caused by the depredations of the Alabama, increased by the departure of other vessels under similar circumstances, will force on a war between Great Britain and the United States, and thus secure independence to the south, and to the subscribers to the loan their cotton.

I have this view, in writing, from one who says he was the party who first suggested to Messrs J. H. Schneder & Co. to take up the loan, (all of which I mention to you in confidence,) seeing the tone and style lately adopted by Earl Russell on the American question, and particularly in his correspondence with Mr. Adams, and the apparent apathy of our government and people. I must own I firmly believe that we shall drift into a war with the United States. A further departure of Alabamas from our ports would, I believe, fan irritation into a flame, and *they will* depart, and *very* soon, unless the most determined and energetic action is *at once* adopted by our government. I say so advisedly.

Can you not take measures to have the subject *continually, importunately* ventilated in Parliament. As the friend of the slave, as the advocate of constitutional liberty, as a lover of your own country, I, a stranger, venture to call your immediate attention to this subject. I know more than I can in honor tell.

Begging to apologize for troubling you with this communication, I am, yours faithfully,

I beg you, if you make any use, in any way, of this communication to withhold my name, as my social relations with many confederate gentlemen have been of years standing.

Mr. Adams to Mr. Seward.

No. 357.]

LEGATION OF THE UNITED STATES,

London, March 27, 1863.

SIR: I have the honor to transmit copies of two notes, dated the 21st and 23d of this month, which have passed between Lord Russell and myself, respect-

ing certain operations of the rebels in fitting out an armed vessel at Glasgow. It is proper to mention that the investigation appears to have been initiated by his lordship upon information not furnished from this legation, and that his communication to me was perfectly spontaneous.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March 21, 1863.*

SIR: I have the honor to inform you, with reference to the report that vessels-of-war were being built at Glasgow for the so-styled Confederate States, that it appears from information collected by the commissioners of customs that there are only two large steamers in course of construction at the yard of Messrs. Thompson & Company; that one of them has the appearance of being constructed to receive armor plates; but that her bottom is not more than half plated, and that the planking of her top sides has only just been commenced.

The other is a screw steamer, intended for Messrs. Burns, of Glasgow, and is to be employed in the Mediterranean trade. Neither of these steamers, however, can be completed for several months.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, March 23, 1863.

MY LORD: I had the honor to receive your lordship's note of the 21st instant, apprising me of the preparations making in the yard of Messrs. Thompson & Co. of a vessel evidently constructed for hostile purposes. Information of the same nature received from other sources has led me to a belief that this is one of a number intended to carry on the piratical species of warfare practiced by the insurgents against the commerce of the United States, in accordance with the plans laid down in the intercepted correspondence which I had the honor some time since to lay before you. It is a source of much gratification to me to learn that this proceeding is exciting the attention of her Majesty's government.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts]

No. 358.]

LEGATION OF THE UNITED STATES,
London, March 27, 1863.

SIR: After I had sent my note to the committee of the Trades Unions declining to be present at their proposed meeting, I received a private letter from Professor Beesley, of the London University, suggesting the propriety of sending some person on whose authority I could rely to make me a report for the use of the government of the state of feeling among the important class there represented. * * * * *

That report I now have the honor to transmit in the precise form in which it was made to me.

I likewise transmit their resolutions adopted on the same subject at two different meetings held at Bradford on the 19th and 20th instant, and also those from a meeting at Great Horton on the 18th instant. These are places in Yorkshire where it should be observed there is no distress among the operatives; on the contrary, being mostly engaged in the woollen manufacture, they have been uncommonly prosperous. I also send a copy of the Blackburn Times of the 21st, containing the proceedings of a large meeting held on the 18th instant at that place.

It may be as well to add that a debate is not unlikely to take place in the House of Commons this evening on an inquiry proposed by Mr. Forster. I am rather inclined to expect that Lord Palmerston may respond to it, and that the solicitor general (Sir Roundel Palmer) will express his sentiments somewhat at large on the topic. Should such prove to be the case, I shall take measures to transmit a report of the proceedings by to-morrow's steamer, outside of the bag, *via* Queenstown. My assistant secretary (Mr. Moran) proposes also to attend, and, in case anything should occur deserving of mention that is not to be found in the newspapers, I shall forward his report at the same time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

PUBLIC MEETING AT LONDON.

[Extract.]

The meeting called by the London Trades Union, in St. James's Hall, on the evening of Thursday, 26th March, comprised between two thousand five hundred and three thousand persons, all, with the exception of a few invited guests, the members of the working classes, or, technically, skilled laborers. This character was very strongly marked in the appearance of the audience, which consisted of men and women, very respectable in appearance, but generally bearing the mark of labor in the workshop, and of intellectual cultivation rather at the expense of physical strength. The meeting was strictly one representing a particular and distinct class of popular sentiment.

The audience received Mr. Bright, on his taking the chair, with great applause, which was probably intended to be the more significant, as the conduct of the Trades Unions has not always met the approval of Mr. Bright, and he has not

always received their cordial co-operation. This enthusiasm followed his speech throughout, even when he hinted at their causes of disagreement. Especially the extremely strong language used by him in speaking of the late cotton war and southern armaments received long and continuous cheering. When he closed, the same earnest applause followed his taking his seat.

It is said that the extraordinary numbers collected there were only brought together by their curiosity to hear Mr. Bright. That this was not the case must have been evident to every person present. In, fact it was only after he had closed that the real business of the evening began. His presence and his speech were significant as showing that on this question of the safety of republican institutions in America the radical classes of laborers who have hitherto devoted their energies to the contest with the power of capital, and have assumed a position of advanced hostility to it, were fairly brought to co-operate heartily with a capitalist, and to ask him to act as their representative in political action. This junction once effected, it became the business of the members of the Trades Unions as such to speak for themselves, and to lay down their own position and opinions. This was done in a systematic and thorough manner. Mr. Howell, who moved the first resolution, was a bricklayer. He made a constitutional argument against the right of secession. Mr. Odgers, who seconded the motion, was a shoemaker, and secretary of the Trades Council—a shrewd, effective speaker, who took up and commented in succession upon the various arguments most commonly urged against the north. Mr. Mantz, a compositor, followed, and was himself succeeded by Mr. Cremer, a joiner, who was bitter against Lord Palmerston, and whose argument upon the popular idea that the north were indifferent to slavery, evidently made a considerable impression as answering a charge most strongly urged against the Union by the friends of the insurgents. The speech of Professor Beesley, of the London University, who now followed, was an exception to the rest, as it bore the same character as the speaker himself, who does not belong to the Trades Unions, but to a socially higher order. This speech was, however, perhaps the most effective and radical of all, and by placing the issue of the struggle clearly before the audience as a question of free labor, the result of which must directly affect their own cause by raising or lowering the price of labor and the condition of laboring men socially and politically all over the world, he made the discussion practically one of domestic politics, and went on to treat of the whole as one contest. The success of the north, the enfranchisement of the working classes, the abolition of slavery, and the reform of the church and the House of Lords, were held up by the speaker, and were accepted with energetic sympathy by the audience as one single and inseparable cause.

Mr. Conally, a mason and an Irishman, whose almost unintelligible accent and thoroughly hearty and earnest manner threw the audience into shouts of laughter and incessant applause and cheers, resumed the discussion, taking it from an Irish stand-point; and, finally, the address was moved by a joiner and seconded by an engineer. No opposition was made to any of the resolutions, nor to the address, nor did there seem to be any disposition in the audience to interrupt the unanimity of the proceedings.

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LONDON, *March 27, 1863.*

MEETING AT GREAT HORTON, ENGLAND.

Resolutions of a public meeting of the inhabitants of Great Horton, North Bradford, York, held March 18, 1863.

This meeting declares that the recognition of any state founded on the assumed right to perpetuate and extend slavery would be an outrage on humanity to be denounced by every true freeman.

This meeting, while cordially supporting the declared non-intervention of the British government in the American war, condemns the allowed building and fitting out of vessels-of-war in English ports for the aid of the pro-slavery conspirators, and heartily wishes success to President Lincoln and his emancipation policy.

Henry Snowden, esq., worsted manufacturer, in the chair.

Resolutions moved by J. B. Hallatt, foreman, and Councillor Haley.

MEETING AT BRADFORD, YORK, ENGLAND.

*Resolutions of public meetings held in Bradford, York, March 19 and 20, 1863.
Carried unanimously by both meetings.*

That this meeting heartily sympathizes with the people of Hungary, Italy, and Poland in their struggles to throw off the yoke of foreign usurpation; but they as heartily condemn the rebellion of the Confederate States as an atrocious conspiracy against a free and national government for the defence and extension of the most odious tyranny and the most impious violation of human rights with which the earth has ever been afflicted.

That this meeting, therefore, views with strong disapprobation the tacit allowance by the British government of the building and fitting out of vessels-of-war in British ports for the use of the southern confederacy, under the pretence that evidence on oath of the intended purpose of such ships is required; and this meeting condemns the introduction into this country by foreign houses of the proposed loan to the Confederate States as a direct aid to slavery, and hopes that no Englishman will stain his hands and disgrace his country by giving it countenance.

Councillor Woodhead in the chair.

W. S. Nichols, merchant, in the chair.

Mr. Seward to Mr. Adams.

No. 531.]

DEPARTMENT OF STATE,

Washington, March 28, 1863.

SIR: I herewith enclose the copy of a letter of yesterday addressed to this department by Samuel Whiting, esq., late consul of the United States at Nassau, with a copy of the papers which accompanied it, relative to the arrival at that port of the piratical steamer Georgiana, which entered it on the 27th ultimo, under the pretext that she was a private armed merchant vessel, although the fact is notorious that she was built, manned, armed and equipped in England for the purpose of preying upon our national commerce, as the Alabama has been doing.

You will present this case to the consideration of Earl Russell with a request that it may receive the early attention of her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 532.]

DEPARTMENT OF STATE,
Washington, March 28, 1863.

SIR: I enclose for your information the copy of a note of the 25th instant, from Lord Lyons, with a copy of the papers which accompanied it, relative to the reception of the Oreto or Florida at Nassau.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 359.]

LEGATION OF THE UNITED STATES,
London, March 28, 1863.

SIR: In transmitting herewith a copy of *The Morning Star* of to-day, containing a report of the debate of last evening in the House of Commons, I can only express my regret that the substance of it should fall so far short of what I had been led to expect.

* * * * *
The result is rather to undo in the popular mind the effect of Lord Russell's speech than to confirm it. In truth, this exhibition furnishes another illustration of the horizontal manner in which our struggle is dividing opinion in Great Britain.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

The fitting out of ships-of-war in British ports for the Confederate States.

Mr. W. E. Forster rose "to ask the first lord of the treasury whether the attention of her Majesty's government had been called to the danger to our friendly relations with the United States resulting from the fitting out in our ports of ships-of-war for the service of the self-styled Confederate States, in contravention of the foreign enlistment act and of the policy of neutrality adopted by this country." He said that a danger did really exist, because many persons, British subjects, or acting under the protection of British law, and in the defence of the Queen's proclamation and of the statutes of the realm, were breaking the law, and were engaged in efforts to break it to an extent which did certainly endanger this country being involved in war. This was notorious from the papers that had been presented in the case of the Alabama. From these papers there arose two questions: the first was, whether her Majesty's government had done all that they could—had used every possible exertion—to prevent these breaches of the law; and the second, whether they were impressed with the necessity of the duty of doing their utmost to prevent them for the future? And he must acknowledge that his object in addressing the noble viscount the question now was, that he thought there was great danger, and that they could not separate for the recess without obtaining an answer, more espe-

cially with regard to the second question as to the future. With regard to the past it would have been more convenient had discussion on it been postponed, because his honorable friend, the member for Brighton, had a motion for other papers which would throw additional light on the subject. But in the present state of public feeling there might be advantage in the government being able to give at once some explanation which the facts as presented in these papers seemed to demand. He would endeavour briefly to state the circumstances of the case. On June 23 the American minister, having already had experience of one armed vessel leaving their shores and being engaged in the destruction of American ships, wrote to the foreign secretary to the effect that he was under the painful necessity of addressing his lordship with reference to a new but still more powerful war steamer which was nearly ready for departure from the port of Liverpool on a similar errand. The American minister, in confirmation of this, enclosed a statement from the American consul at Liverpool, who said: "The evidence I have is entirely conclusive that this vessel is intended for the confederate government." The despatch was forwarded on the 21st of June, and the foreign minister sent it to the custom servants at Liverpool, who replied that they were unable to take any steps to prevent the departure of the vessel. One point on which they required information was as to the steps the custom officers had taken to find out the truth or falsehood of the American minister's statement, which was so fully justified by the result. The next letter was dated July 22, in which the American minister again wrote to Lord Russell, and enclosed sworn depositions which abundantly proved that the vessel was on the point of sailing, fully armed.

Mr. Roebuck. Only partially armed.

Mr. Forster said that one of the depositions—that of a seaman who had been enlisted by the confederate agent—stated that she had a magazine, shot and canister racks on deck, and was pierced for guns, and was built and fitted up as a fighting ship in all respects. It was also proved that the building of the vessel was superintended by Captain Butcher, the confederate agent. The next point to which he would allude was the opinion given by the honorable and learned member for Plymouth, (Mr. Collier,) who wrote:

"I have perused the above affidavits, and I am of opinion that the collector of customs would be justified in detaining the vessel. Indeed, I think it is his duty to detain her, and that if, after the application that has been made to him, supported by the evidence which has been laid before me, he allows the vessel to leave Liverpool, he will incur a heavy responsibility—a responsibility of which the board of customs, under whose directions he appears to be acting, must take their share. It well deserves consideration whether, if the vessel be allowed to escape, the federal government would not have serious grounds of remonstrance."

The validity of this opinion appeared to have been approved of by the law officers of the crown; but one point on which they needed information was, why five or six days elapsed after obtaining Mr. Collier's opinion before any step was taken. It appeared that Lord Russell had been informed that the vessel was ready to sail; he had the strongest ground for suspicion that the vessel was going out to be employed in the service of the Confederate States; and he (Mr. Forster) should like to know why that long time elapsed before any steps were taken? [Hear, hear.] On the 22d September, some time after the vessel sailed, Lord Russell wrote:

"The report of the law officers was not received until the 29th of July, and on the same day a telegraphic message was forwarded to her Majesty's government, stating that the vessel had sailed that morning."

They should know why the foreign office was so long in taking steps in the matter. They should know why the customs, whose duty it was to take steps to prevent a breach of the law quite independent of the foreign office or of the

American government, took no steps whatever. [Hear, hear.] They should know why it was that, having information given to them, they did nothing. [Hear, hear.] Lord Russell writes that instructions were sent to detain the vessel if she should go into Queenstown, and that similar instructions were sent to the governor of the Bahamas if the vessel should put into Nassau; but he should like to know why orders were not sent to detain her in Port Royal. [Hear, hear.] If such orders were sent, why were they not acted upon? [Hear, hear.] Lord Russell stated that she started on the day the law officers gave their opinion. [Hear, hear.] It appeared that the representations made by the American ambassador had merely the effect of enabling the owners of the vessel to find that it was necessary to depart at once. [Hear, hear.] It was a curious coincidence that the very day the opinion was obtained was also the very day on which the vessel went away. [Hear.] Earl Russell said there was a very subtle contrivance to elude the act, but if it were subtle, he was afraid it might also be said that the customs in Liverpool were not strict with regard to smuggling. [Hear, hear.] The statement was, that the vessel went on a pleasure excursion, and the customs did not think it necessary to find out if this pleasure excursion was, as it turned out to be, an actual departure. [Hear, hear.] She sailed out with the British flag, and was joined subsequently by two other vessels also hoisting the British flag. She was supplied with arms and stores, and they were informed that from that time she ceased to hoist the British flag and hoisted the confederate flag. They should know what steps the government had taken to ascertain when she made the change from the British to the confederate flag. [Hear, hear.] Upon the 16th of September she captured and burned ten vessels—[hear, hear]—and how she lured them to destruction by hoisting the British flag in every case in which the vessels were destroyed. [Hear, hear.] It was hardly surprising that the announcement that this vessel, coming from a British port and hoisting the British flag, had seized on prizes, should have created a very strong feeling in America. [Hear, hear.] The first protest which he would read was from several merchants in America, stating that in September last, on the high seas, a number of American ships were captured, plundered, and burned, and the crews subjected to brutal treatment by an armed vessel called the Alabama; that the vessel was built in an English port, and the crew came from an English port; that at the time the outrage was committed she had been in no other than a British port, and that she carried no other than the British flag until the prizes were within her grasp, when she hoisted the rebel flag of the Confederate States. They stated also that it was notorious in England that other vessels for the same service were in process of construction, and for the loss thus occasioned the memorialists believed the English nation to be responsible. He (Mr. Forster) did not say they were responsible—[hear, hear]—but they could not be surprised that American merchants, and the American people generally should think them responsible. [Hear, hear.] In a similar case they would think the American government responsible. This was altogether a British transaction; there was nothing confederate about it, with the exception of two or three officers and some promises as to pay and stores; the vessel was built by English ship-builders and manned by a British crew, drew prizes to destruction under a British flag, and was paid for by money borrowed from British capitalists. [Hear, hear.] When they considered that this was not the first vessel that was so employed, they could not be surprised at the feeling existing in America with regard to it. [Hear, hear.] He had now given to the House a brief statement in regard to the Alabama, and if one ship merely had been so employed he would not have brought the matter then before the House. He should not like to make a case against the government, and would think it best to let the matter alone; but when it was expected that this ship would be followed by many others, it became a question affecting their interests, the interests of the country, and their friendly

relations with America. [Hear, hear.] He should not have troubled the House without having reason to suppose that other ships intended to follow this example. As early as the 30th September there was a letter from Mr. Adams, stating his strong reasons for believing that other enterprises were in progress in the ports of Great Britain of a similar kind, and had attained such notoriety as to be openly announced in the newspapers of Liverpool and London. [Hear, hear.] In the month of October the chancellor of the exchequer made several speeches in the north, and there was one statement of his which excited more attention than even his eloquent statements have generally done. The right honorable gentleman stated that the south had an army, and in a very short time would have a navy. He could not be aware at the time of such a speedy realization of his prophesy, or that its fulfilment was then attempted by the agent of the Confederate States. [Hear, hear.] In the same month of October an official letter was intercepted from the secretary of the confederate navy to the agent of the confederates in England, in which he says :

“Mr. Saunders has, as you are aware, contracted with this department for the construction in England of six iron-clad steamers.”

This was, in fact, the construction of a fleet to sail from the shores of England to attack the United States on the part of the Confederate States. The noble lord the member for Sandwich would jump at such an addition to the English navy. [Hear, hear.] It was not the case of one or two vessels sailing out to break the blockade or catch one or two merchant ships, but English ports were made use of for the purpose of carrying on a private war in size and importance almost equal to a public war with the United States. [Hear, hear.] Now there came the question, what was to be done? He did not ask the government to infringe the rights of any British subject, or to infringe the law, or to do anything detrimental to what was supposed to be the British interest; but he asked them to carry out the law; and if the law were not sufficiently powerful, they should come to that house and demand further powers. [Hear, hear.] If they did so they would follow the example of the United States, which demanded and obtained similar powers when this country made a request in a similar case. He did not actually know that the English government had made such a request, but if not the American government did what they considered necessary without it. [Hear, hear.] At the time of the rebellion in Canada, the American foreign enlistment act not being sufficient to prevent the transgression of the frontier between Canada and the United States, and the passage over it of their men—precisely the same thing as the passage of a vessel from the English shores to America—the American government passed a temporary act, enlarging the powers of their foreign enlistment act. [Hear.] He believed the American foreign enlistment act was similar to the English foreign enlistment act, and the cases were also similar. [Hear, hear.] Both acts contained two provisions: one to prevent the recruiting of armed men or the marching of an army over the frontier; the other was to prevent the equipping of vessels or the departure of a navy from its ports. [Ironical cheers from the opposition benches.] Notwithstanding that ironical cheer from the opposite side, he would say that they would be only following the example of the friendly conduct of America in a similar situation if the government would obtain further powers by passing a temporary act for the purpose. When making that suggestion he was only stating what appeared to be the sentiments of Earl Russell during a part of last year. The noble lord wrote to Mr. Adams that he was prepared to make an amendment in the foreign enlistment act, to render the law more effectual to prevent the fitting out of vessels, if the United States would do the same. The only other information they had was that on the 14th of February Earl Russell wrote to Lord Lyons—

“On a second point, namely, whether the law with respect to the equipment of vessels for hostile purposes might be improved, Mr. Adams said that his gov-

ernment were ready to listen to any proposition her Majesty's government had to make, but they did not see how their own law on the subject could be improved. I said that the cabinet had come to a similar conclusion, so that no further proceedings need be taken at present on the subject."

Why did the United States government say they did not think an amendment of the law was necessary? Because they had found the law effectual under similar circumstances. [Hear, hear.] Eight years ago, when this country was engaged in a war with Russia, a similar case to the present one occurred. They blockaded the ports of Russia, as the United States were blockading the confederate ports. They believed they had shut in the Russian navy so as not to interfere with British commerce, but they had an anxiety lest the United States should send out privateers under the Russian flag. They feared that the Americans might do to them what they were now doing to the United States. Their consuls and ministers received the same instructions as the American ministers and consuls now receive—to watch everything that was done. But it might be truly stated with confidence that, notwithstanding the strong temptation presented to American merchants to fit out privateers to prey on English commerce, not one single privateer or vessel-of-war left American ports to aid Russia during the whole of that war. On the contrary, he could mention two instances in which American subjects showed that they would not break the neutrality law. [Hear, hear.] He believed it was supposed that a ship called the General Admiral did leave an American port to assist the Russian government. The fact really was that Mr. Webb, a great ship-builder in America, received an order from the Russian government to build this ship before the breaking out of the war. He stated that he returned to New York in 1853, and commenced the work; that after the breaking out of the war between Russia and England and her ally, with whom the United States government was at peace, the legality of his continuing the prosecution of the work became questionable, and the result was the suspension of the work and the postponement of the fulfilment of his contract until after the restoration of peace; and they had got part of the correspondence that passed between Mr. Webb and the Grand Duke Constantine on the subject. [Hear, hear.] There was a still more extraordinary case, that of a war schooner which was suspected by the British consul, and his suspicions appeared to be almost identical with the suspicions felt by the American consul with regard to the Alabama. What did the American government do? Upon the receipt of a deposition, nothing like so strong as that upon which the foreign office took four or five days to act, and then acted when it was too late, the American government at once detained the vessel until the British consul was convinced that she was not intended for the service of Russia; and that, in fact, she had been armed with a view to resist pirates in Chinese seas. It was rather a curious coincidence that that vessel belonged to a very eminent American merchant, Mr. Lowe, who had suffered most from the depredations of the Alabama; and it was also a curious fact that he was one of the largest, if not the largest, subscriber to the relief of the distress in Lancashire. [Hear, hear.] Therefore the House would not be surprised if his case had excited great sympathy in America. Well, in consequence of the arrest of the Morea, the New York Chamber of Commerce, having a feeling, which he feared was not shared much in England, that if the charge had been true, such a breach of the laws of neutrality would be disgraceful to their characters as merchants, appointed a committee to examine into the case, and they came to the conclusion that an apology was due to Mr. Lowe for the ungrounded suspicions. What was the nature of the resolution they passed?

"That the merchants of New York, as part of the body of merchants of the United States, will uphold the government in the full maintenance of the neutrality laws of the country, and will acknowledge and adopt, and always have regarded, the acts of the United States in preserving this neutrality as binding

in honor and conscience as well as law, and we denounce those who violate them as disturbers of the peace of the world, and to be held in universal abhorrence." [Hear, hear.]

With such a resolution come to in the year 1856, the House could not be surprised at the resolution recently passed by the same Chamber of Commerce, in which they express their indignation at the fact that armed vessels had been allowed to leave British ports for the purpose of acting against the commerce of the United States. He did not ask the government to infringe the right of any British subject, but he was quite sure that if the customs of Liverpool acted with anything like the same vigilance as the customs authorities at New York acted in the case of the *Morea*, the *Alabama* would never have been permitted to leave the port. [Hear, hear.] And if they acted with anything like the vigilance that was now used to prevent smuggled tobacco coming in, he believed that the vessels that were now being built would never be able to get to sea. [Hear, hear.] If, during the Russian war, the Americans had acted towards us as we were now acting towards them, he believed the indignation that would be caused in this country would be so great that it would have been difficult for any government to have maintained peace with the United States. [Hear, hear.] There was only one more point which he wished to impress upon the attention of the government. He could not help thinking, from the perusal of these papers, that the custom-house authorities, whose business primarily it was to see this law put in force, were acting in some respects on a wrong principle, for they seemed to suppose that it was not their business to put it in force until the American government took action in the matter. That was not the case. This was not a question of sympathy as between the north and the south, but it was a question of obedience to British law, and of carrying out the foreign enlistment act, the preamble of which said that the equipment or fitting out of vessels in British ports was to be prevented, because it was prejudicial, and calculated to endanger the peace and welfare of the kingdom. It might be said by some honorable gentlemen that the United States had now so much to do that these things could be done with impunity. Suppose that to be the case. Let the House remember what a precedent this country was creating. [Hear, hear.] We were neutrals now, but we had been belligerents, and may be belligerents again; and if so, could we expect that the United States would retire into their old position of neutrality, and act again as they did during the war of the Crimea? [Hear, hear.] But he doubted that a nation of 20,000,000, roused up to a pitch of great excitement, would be restrained from hostilities merely because they were engaged in another war. If there were anything in our own history of which we were proud, it was this, that when engaged in war with one nation, we were ready to resent any insult or injury just as strongly as though we were not an adversary ourselves. [Cheers.] He would only add that during this war, which had caused so much misery in this country, we had hitherto preserved neutrality under great temptation, and he was willing to acknowledge under no little provocation, for the sake of those whose interests they most cared for, namely, their industrial population. [Hear, hear.] Having done so, and having now a hope, as he trusted and believed they had, of seeing an end to this terrible war, surely the government would do their utmost to preserve that neutrality from being violated by private interest in order to put money into the pockets of a few ship-owners and contractors, however wealthy they might be, or however high their station. [Cheers.]

The solicitor general said his honorable friend who had just set down had referred to the strong feeling which existed in the United States on the subject of the *Alabama*, and the important interests which he thought might be compromised if this country did not exert the powers which it possessed to prevent the fitting out of similar vessels; and he had said that we could not be surprised that the American merchants and the American public should hold this

country responsible for the acts of that vessel. He (the solicitor general) should take the liberty of saying that we should have very just reason to feel surprised that so extraordinary an error should have prevailed in the general mind of the American public, if it did not happen fortunately that we were able to trace that error in some respect to its sources. The accusations that had been made against her Majesty's government with respect to the Alabama, and which he hoped to show the House were entirely groundless, were but a part of a series of accusations of systematic breaches of neutrality which, unhappily, the government of the United States had permitted itself to make against this country from, he might almost say, the beginning of this war. [Hear, hear.] In their diplomatic communications, made through Mr. Adams to her Majesty's government, and which he deeply regretted to add constituted no small part of the contents of the book which he held in his hand, and which had been laid by the American government before Congress, he found repeated over and over again a catalogue of grievances against this country, of which the matter of the Alabama was only a single item. He regretted to say it was indispensably necessary, in order that the House should appreciate the truth concerning the Alabama, to see how utterly destitute of solid ground were the complaints which had been made with respect to the conduct of the government as to the Alabama, that he should show the House in what company those charges were found. He would only mention two or three examples. On the 13th of February last year they had Mr. Seward writing to complain of the exportation from this country of munitions of war and arms, and which he represented as a breach of the duties of neutrality, and which the government, if sincere in their neutrality, were bound to prevent. On the 1st of May, 1862, Mr. Seward complained that money had been provided by subscription in Liverpool, and employed in the purchase of arms and munitions for the confederates. On the 12th of May Mr. Adams wrote to Earl Russell complaining of the supply of men and ships, which he mixed up with arms and money, to one of the parties in the war. Upon the 2d of June Mr. Seward sent to Mr. Adams a report of a gentleman, who gave a long account of the purchases of arms, munitions of war, and military stores which had been shipped from England to the Confederate States; and only as late as the 13th of December, 1862, Mr. Adams, while engaged in correspondence with Earl Russell on the subject of the Alabama, annexed to his despatch a great number of documents giving an account of a large quantity of military and other stores which had been exported from this country to the Confederate States. It was true that Mr. Adams then endeavored to give some color to that complaint by connecting it with the question of blockade, but he reiterated the complaints referred to, and that was the manner in which, from first to last, in their diplomatic correspondence with this country, the government of the United States had not thought it unworthy of them to complain of this country as guilty of breaches of neutrality. They had in that correspondence done no more nor less than to deny the application to this country in this war of those principles as neutrals which had been invariably recognized by all nations, and by no nation more strongly than by the United States themselves. [Cheers.] He had given the House the dates of the several complaints. He would now mention another date. In November, 1862, the Mexican minister at Washington addressed a complaint to Mr. Seward to this effect:

"I have the honor to inform you that my government has given me instructions to communicate to that of the United States that the Mexican government has reliable information to the effect that the chief of the French expedition, which is invading the republic, has sent emissaries to New Orleans and New York to purchase mules and wagons for transporting the cannon, war materials, and provisions to the interior of Mexico. My government thinks that if such purchases should be realized, the neutrality which should be observed would be violated by the sellers."

Now, what was the answer of Mr. Seward upon the 24th of November to that remonstrance? Mr. Seward, in his reply, quoted sundry extracts from well-known authorities, and those, he considered, constituted his answer to this complaint. What were those extracts? The first was an instruction to the collector of customs, issued by Alexander Martin, the Secretary of the Treasury, August 4th, 1793, as follows:

"The purchasing and exporting from the United States, by way of merchandise, articles called contraband, being generally warlike instruments and stores, are free to all parties at war, and ought not to be interfered with. [Cheers.] If our citizens undertake to carry them, they will be abandoned to the penalties which the law of the country authorizes."

Had this country not abandoned to the penalties which the law of the country authorized all the ships which had been taken on the high seas, and which were subject to such penalties? [Hear, hear.] The next extract was dated July 8, 1842, and was from Mr. Webster:

"It is not the practice of nations to undertake to prohibit their own subjects from trafficking in articles contraband of war. Such trade is carried on at the risk of those engaged in it under the liabilities and penalties prescribed by the law of nations." [Hear, hear.]

According to Mr. Webster's instructions, if American merchants, in the way of commerce, had sold munitions of war to Texas, the government of the United States, nevertheless, were not bound to prevent it, and could not have prevented it without a manifest departure from the principles of neutrality. [Cheers.] The next extract was from Mr. President Pierce's message to Congress, in 1855:

"The laws of the United States do not forbid their citizens to sell to either of the belligerent powers articles contraband of war, or to take munitions of war or soldiers on board their private ships for transportation; and although, in so doing, the individual citizen exposes his property or person to some of the hazards of war, his acts do not involve any breach of international neutrality, and do not of themselves implicate the government." [Cheers.]

He would quote one authority more. They had heard of complaints of loans of money, as well as of the sale of munitions of war. Mr. Webster wrote to Mr. Thompson, in 1851-'52, to the effect that no government could undertake to restrain such loans. He (the solicitor general) thought, therefore, that the House would see that the American government was not prepared to appreciate justly and truly the specific value of any complaints on the subject of the Alabama, in consequence of the application which they themselves had made of the general principles of international law. With reference to the particular case of the Alabama, it was necessary, in order that the bearings of that question of international law and the mutual relations of the governments of the two countries should be understood, to clearly see what were the rights which the United States government had in the matter. The House of Commons certainly had the deepest interest in the maintenance of their own laws, and were sincerely determined to enforce them on the constitutional principles on which laws were administered in this country. He had come to the conclusion that if it had not been that we, in order to prevent the violation of our own neutrality by other governments as against ourselves, had thought fit to pass the foreign enlistment act, it would have been impossible on their own principles for the government of the United States to treat the sale of a ship-of-war as in any sense unlawful or contrary to international law, more than the sale of any other kind of munitions of war. He would show that from their own authorities. They had a foreign enlistment act as well as ourselves, and, as it had been in existence longer than ours, a greater number of decisions had taken place upon it. He would examine, first, the principles of interpretation which had been given to that act, and secondly, the general principles of law which, independently of that act, would exist between nations. In 1815 there was a case before the

Supreme Court of the United States, and what were the doctrines which were then laid down? Those doctrines were, that a neutral nation might, if it felt so disposed, without a breach of her neutral character, grant permission to both belligerents to equip their vessels-of-war within her territories; but that without such permission subjects of belligerent powers had no right to equip vessels-of-war, or increase or augment their forces, either with arms or men, as such unauthorized steps would violate her sovereignty and her rights as a neutral. That was the principle on which the foreign enlistment act was passed—not that it would be a violation of neutrality if we chose to permit the equipment of vessels here, but that it would be a violation of our neutrality if foreign governments sought to do acts of that kind which were calculated to entangle us with other nations. Nothing could destroy that statement of the Supreme Court of the United States; and but for our own laws, enacted for our own defence, we should not be violating our neutral character if we permitted both belligerents to equip their vessels within our territory. *A priori* ships were munitions of war, and might be sold to a belligerent power. The extent of the right derived by a foreign government from the enlistment act was merely that it could appeal to the friendly disposition of a neutral State to enforce its own laws, according to its own principles, within its own territory; but it could not complain if those laws were enforced in the usual way in which they were enforced as against English subjects; that is, upon evidence, not suspicion—[hear, hear]—according to law, not presumption—[hear, hear]—not on a mere accusation because it was made by a foreign government, any more than we should enforce our own laws against a person because he was accused by any person interested on the side of our own government. It was no right of foreign governments to require the enforcement of the enlistment act any more than other acts. The case of the Alabama was not like the recent case which happened in the Brazils, where the property of British subjects was plundered on the shores of that country. The only ground of offence, if offence there was, was because our laws had made it such; and if any foreign government had an interest in enforcing our laws, they must be content to do so according to the ordinary mode of procedure in this country. [Hear, hear.] With regard to the law itself, it was in no degree desirable or proper that he should enter into an explanation of the difficulties attached to its execution. It was a great mistake to suppose that it was intended to proscribe all commercial dealings whatever in ships or munitions of war with belligerent countries. Two things should be proved in every case: first, that there should be what the law considered a fitting out, arming, equipment; and secondly, that that should be with the intent that the ships should be employed in the service of a foreign belligerent power.

Again: he would refer to the decisions of the Supreme Court of the United States, which would prove what on their own showing might lawfully be done, so as not to be struck at by the foreign enlistment act, and at the same time give no cause of international complaint. There had been one or two remarkable cases before that court. One occurred in 1822, and was determined by no less a personage than Mr. Justice Story. The first case to which he would refer was that of a ship which was originally a privateer, and employed as such in the war between the United States and Great Britain. That war came to an end, and after her capture she was turned into a frigate and was sold, and for a short time was used for purposes of commerce. Then, a war having broken out between Spain and her revolted colonies in January, 1816, she was loaded with great munitions of war by her owners, who were inhabitants of Baltimore, and was armed with twelve guns, which constituted part of her original armament. She was sent from that port, under the command of a native citizen of the United States, to Buenos Ayres, which was then at war with the United States. By written instructions the cargo in that vessel, and the vessel itself,

were authorized by the owners to be sold to the government of Buenos Ayres, if a satisfactory price could be obtained. She arrived at Buenos Ayres, having committed no acts of hostility on her voyage. She sailed with the United States flag and was sold to the government of Buenos Ayres. She assumed the flag and character of a public ship, and from that time was employed in war, the same captain and a greater part of the same crew navigating her. Well, what was the judgment of Mr. Justice Story in that case? He said it was apparent that if she was sent to Buenos Ayres on a commercial adventure, she in no shape violated the laws of international neutrality; but that if she had been captured by a ship-of-war during her voyage, she would have been justly condemned as a prize if engaged in a traffic prohibited by the law of nations. But he said there was nothing in the United States law, or in the law of nations, that forbade their citizens from sending armed vessels and munitions to foreign ports for sale. That was a commercial adventure which no nation was bound to prohibit, and which only exposed the person engaged in it to the penalty of confiscation. Supposing the voyage of the ship in question to have been for a commercial purpose, and that the sale to the Buenos Ayres government was a *bona fide* sale, there was no pretence for saying that the original adventure was illegal. He (the solicitor general) would refer to another American decision, namely, that in the case of the *DeQuincy*. The doctrine laid down in that case was that the defendant, who was accused of having violated the foreign enlistment act, was entitled to an acquittal if it were found that when the ship was being fitted out and equipped at Baltimore the owner and equipper intended to go to the West Indies in search of funds with which to arm and equip the vessel, and had no present intention to employ it as a privateer, but intended when it was equipped to go to the West Indies to endeavor to raise funds to prepare her for a cruise as a privateer. The intention of the owner must be fixed and not conditional, or dependent on some future event. The legality or criminality of the act must depend a good deal upon whether the adventure was of a commercial or of a warlike character. If any violation of international law had been committed, the United States government were entitled to say to our government, "You have laws the violation of which may be injurious to us, and we submit to you a case of such violation." The government was always ready to listen to any evidence of a violation of such laws. But let not the house be misled—and he trusted the Americans would not be long misled—so far as to suppose that there was any reason for complaining of an infraction of international law merely because ships-of-war with which the Confederate States might carry on their belligerent operations came from this country. There was no such reason for complaining. [Cheers.] The United States government would have reason to complain if her Majesty's government directly or indirectly were concerned in fitting out such belligerent ships. But when individuals did so there was no infraction of international law. If the people of the United States government could be relieved from their prejudices which might have been produced by the continued representations of their own government, they could perceive that the things complained of were not unlawful. [Cheers.] If their minds could be disabused of the impressions so created he felt sure that no candid man in the United States could think there was any want of good faith on the part of the government in any step taken with regard to the case of the *Alabama*. As his honorable friend had said that was not the first ship which escaped from this country. The first ship was the *Oreto*. She left this country clandestinely. The first and only information on that subject communicated to our government was given by Mr. Adams. He stated a case which clearly called for inquiry. And accordingly the commissioners of customs were instructed to make an inquiry. They stated circumstances which tended to excite suspicion, but there was no evidence whatever to justify the detention of the vessel. There was nothing upon

which the government could act unless it were maintained that the government could act upon vague rumors. The *Oreto* sailed on the 22d March. The circumstance of her departure and the contemporaneous representations of Mr. Adams to the government made it probable that it really was true that the vessel was intended for the service of the Confederate States. But it was by no means clear that there was evidence upon which a court of law would have held the fitting of this vessel to be a violation of the foreign enlistment act. The government, however, immediately sent out orders to Nassau; the vessel was consequently watched, and there being on board portions of stores which might be considered munitions of war, although it was doubtful whether they could have been so proven in evidence, still the government, to prove their good faith, strained a point, and acted upon such evidence as there was. The result was that the *Oreto* was tried and acquitted. The evidence was not sufficient to secure a conviction. Was any want of good faith shown in that? With regard to the Alabama the material facts were these. It was true that on the 23d of June Mr. Adams called the attention of the government to information he had received respecting the building of this vessel. Down to this time it had often been said, but there was no evidence of it, that many ships were being built for the confederates; and what was more, with all the papers before them, there were no legal grounds for suspicion. But on the 23d information was given to the government, and the government took the proper and legal steps in consequence—they directed the commissioners of customs to have the case inquired into. On the 1st July the commissioners of customs made their report to Lord Russell. They said it was perfectly evident that the ship was a ship-of-war, that it was reported and believed she was built for the purpose of war, but the builders would give no information as to her destination, and that there was no other reliable source of information. Were the government wrong in not seizing the vessel under these circumstances? Did the house recollect the decision of Judge Story and the Supreme Court? The circumstances of the two cases were exactly the same; and it was evident that if there had been a seizure it would have been totally unwarranted by law. The Alabama might have been built for a foreign government, and being a ship-of-war she was a legitimate article of merchandise; but Lord Russell in communicating the report to Mr. Adams said that if Mr. Adams could furnish any better evidence it should immediately receive the attention of the government. Then the government had been accused of unreasonable delay. But was there ever a more unjust or a more unworthy accusation? Mr. Adams's first information was given to the government on the 23d June; but a period of seventeen days elapsed before he furnished any evidence whatever, and he did not complete it until two days afterwards. In the meantime Mr. Adams had obtained two opinions from the honorable and learned member for Plymouth, (Mr. Collier.) On the 16th Mr. Collier said there was a case of suspicion upon which he advised that the vessel might be detained, and on the 23d he thought there was a sufficient case for the detention. On that evidence the advisers of the crown came to the same conclusion. But he (the solicitor general) wished the house to understand there was really in that evidence a very great mass of merely hearsay matter which was good for nothing. Of the six depositions transmitted on the 22d July, only one was good for anything, that of Passmore, which proved the material facts. Two more sent on the 24th in some degree corroborated Passmore. Now, what was the delay of which the government was accused? The 26th was Saturday, and the 27th Sunday; and the complete evidence was not sent to Lord Russell until the 26th. On the 28th it was referred to the law officers, who made their report on the 29th, and the same day a telegraph message was sent to stop the vessel. [Hear.] He was quite shocked at the perversion of this case in the United States, though he made every allowance for natural irritation of feeling, under the circumstances, in the minds of the Ameri-

can nation. No one could be more anxious than he was for us to stand straight with them as they with us; no one could more regret their perversion of mind consequent upon an irritated state of feeling, but no human being could say that the British government had not acted in this matter with the promptitude that it ought to act. [Hear.] There was, however, one theory upon which the opposite view might be maintained; it was this, that because the ordinary safeguards of liberty had been suspended in the United States, therefore they should be suspended in this country too, [hear, hear,] and that the officers of this government, and the government itself, should violate the law by acting upon mere accusations and mere suspicions, and not upon legal evidence. [Hear.] His honorable friend had made reference to the case of the Morea, which was fitted out in the United States when we were at war with Russia. The facts showed that the United States government, in that case, took exactly the same time in dealing with it, in answer to our complaints, that we had in the case of the Alabama. In the case of the Morea the delay was from the 11th to the 17th October, and in the case of the Alabama from the 22d to the 29th July.

Mr. Forster: There was Mr. Adams's first letter.

The Solicitor General: The first letter was without any evidence whatever. [Hear.] Could the government, without any evidence whatever, proceed to violate the law of the country? Mr. Adams himself did not expect that. [Hear.] But in a matter of this sort they were not proceeding by hours or days. It was sufficient to show that each government in the respective cases acted with reasonable promptitude and diligence. He could not think there was any member of the house who did not believe that the government had acted in good faith. His honorable friend had asked what they proposed to do with regard to other ships which were supposed to be building, and whether they considered the foreign enlistment act was only to be enforced at the instance of foreign governments. He (the solicitor general) had no hesitation in saying that the government by no means looked upon that act as one to be enforced at the instance of foreign governments. They were anxious to enforce the act to the best of their power; but they must have legal evidence and legal grounds to act upon. It would not do merely to tell them that six iron-clad vessels were building in this country. The government must know where, and by whom, and they must have evidence that their being so built was in violation of law. [Hear.] They would be glad to receive any information on those subjects; and he would express his entire concurrence in the remark of his honorable friend, that it would be well if the merchants of this country, who might be invited to be parties to acts which might violate the law, and at the same time involve the government and the country in relations tending to disturb amicable intercourse between two countries—it would be desirable, he said, that such merchants and others should consider that it was their duty to respect the laws of their country and to have regard to the interests of peace. At all events, the government would, without partiality or favor, follow out any clue which they might possess to discover such practices, and, undoubtedly, they were prepared to put the law in force against any person violating, if they had evidence likely to lead to a conviction. If the law was defective, it was for the house to consider whether or not it should be improved. If the government had reason to believe it so they would be willing in concert with the government of the United States to consider the question. But the government of the United States were not of opinion that their law required alteration; and it could not be supposed that the British government would propose to parliament an alteration in our law unless the government of the United States were prepared to place their law on a similar basis. The foreign enlistment act of the United States might have been put in force so as to prevent acts injurious to this country. The circumstances of some wars had more tendency than others to facilitate the violation of rights. The house would recollect the case of the insurrection in Canada. He did not say the American

government were unwilling, but, if willing, were they able to prevent such acts as the direct invasion of Canadian territory by the ship *Caroline*? Most undoubtedly operations were carried on for a considerable time and the government of the United States were totally unable to prevent them. He need not refer to other cases. They had heard of the expedition of a person named Walker to Honduras; they had heard of many other things that had happened there. He only drew this inference, that in times of excitement, when the spirit of commercial speculation strongly actuated the public mind, violations of international law would occur, which, with all the good faith in the world, the governments of the nations concerned might not be able entirely to prevent. [Hear, hear.] He had referred to these cases in order that the house might compare them with what was urged against us. All that could be alleged as a breach of international law or of our own law was that two ships had slipped out under the circumstances mentioned. But the house would recollect it was only when the *Alabama* reached the Azores that she received her armament and hoisted the flag of the Confederate States. These being the only two things alleged, we had reason to congratulate ourselves, so far as the government was concerned, that our neutrality had been strict, impartial, and honest, and, so far as our people were concerned, that no other violations of law were proved to have occurred. He believed there had been a great many enlistments of individuals not in the service of the confederates. [Hear, hear.] The house would recollect a remarkable letter at the end of these papers, in which Mr. Seward spoke lightly indeed of the act of certain officers of the American government who had used great inducements to British seamen brought into their ports to enter the belligerent service of the United States. [Hear, hear.] We could make allowance for the circumstances under which these things were done, and although disapproving them, and fairly entitled to remind the government of the United States that they had not respected neutrality where the violation of it was for their own interest, we did not say that amicable relations ought to be disturbed on that account. The honorable member for Bradford asked an explanation why, when orders were sent out to stop this ship at Queenstown, she actually went to Port Royal and was not stopped there. He (the solicitor general) was not aware of the circumstances under which she was at Port Royal, but he believed the time was as late as January last. He might, however, again appeal to the United States authorities to this effect. Although it may be legal, if you can catch a ship which had been guilty of violating our foreign enlistment act in any British port, to confiscate her for that violation, yet it must be during the same cruise or voyage, because the offence was at an end, and, for all purposes of action, blotted out when the particular voyage was completed. He did not know what notice there was, or what opportunity to give instructions at Port Royal to deal with the case, but he knew this, that the *Alabama* going there in December, when she was undoubtedly the property of the Confederate States, grave and difficult questions would have arisen if it had been attempted to proceed in Jamaica for a violation of the foreign enlistment act at a former period. [Hear, hear.] He hoped the house would be satisfied that the government were free from blame in this matter, and if what had been said should tend to remove any false impression in the United States that we had been conniving at breaches of neutrality, then he should regard the introduction of this subject by the honorable gentleman as a circumstance for congratulation. [Cheers.]

Mr. T. Baring said that he had listened to the speech of the honorable gentleman with great surprise. He was sure he did not wish to produce irritation, but by having confined his speech to charges against the federal government, he thought he had unfortunately damaged our position. The honorable gentleman hoped that America would be brought to reason by this discussion. He (Mr. Baring) thought the speech would be read in America as an indictment against their misconduct in past times. [Hear, hear.] If ever there was a

period at which angry feeling ought to be put aside, and forbearance shown, it was now, when public feeling had arisen to such an excited state on the other side of the Atlantic. He did not consider the course taken by the government with regard to the Alabama was such as to give confidence that due precaution would be taken for the future. It did not appear to him that the decisions of Story which had been brought forward at all applied to this case, inasmuch as the Alabama had never gone into a confederate port, or been delivered to the confederate government. The case was a most unfortunate one, because it would lead Americans to question the sincerity of our friendly relations. It was unfortunate, also, because it would involve a great destruction of property, which would react upon British commerce. No one could tell to what the feeling of animosity which it had produced would grow. Power had been given to the President to issue letters of marque. If these were issued, could any one say that frequent collisions would not occur which would endanger the peace of the two countries? There had been already seizures of British vessels by the blockading squadron, originating in the idea that we were not careful in our conduct, or scrupulous in the performance of our duty. If the case of the Alabama were considered as parallel to those which had been cited, why did the government send out an order to arrest this vessel? By their own act they had admitted that the case had no similarity with those which had been justified, as not coming under the foreign enlistment act. The question was, did they use proper precautions? Seeing that the matter was brought to their consideration on the 23d June, and then referred to the customs inspectors, it was impossible to acquit the government of delay in obtaining information, and those who were employed by government of shutting their eyes to facts which were notorious to others. [Hear, hear.] He did not wish to accuse the government, or provoke feelings of opposition to them, but he wished that government should give something like a declaration to the United States that they were anxious to prevent a recurrence of similar circumstances.

Mr. Bright: I have been very sorry to hear the speech of the honorable and learned gentleman. I agree with the honorable member for Huntingdon, that however unfortunate the position of affairs is with regard to this question, it will be rendered only more so by the speech which has just been delivered by one of the chief law officers of the crown. The honorable and learned gentleman began by pointing to the inconsistencies of Mr. Seward with regard to what neutral nations may do in cases of this kind. He pointed out inconsistencies which are clear to all of us. Because there can be no doubt whatever that the complaint which has been made by Mr. Seward and by Mr. Adams with regard to the furnishing of munitions of war, is one which, under ordinary circumstances, at least, is not usually made, because we know governments have generally agreed not to interfere with the furnishing of such materials of war by neutrals. But Mr. Seward made a much greater mistake than that of inconsistency. He was of opinion, when this matter began, that he might calculate, to some extent at least, on the friendly feeling of this country toward the country of which he is minister; because, although this government has allowed the belligerent rights of the southern confederacy, still it pretends to have done that without any feeling of hostility toward the north; and as we have an American minister here, and as we have a minister in Washington, and as the United States government in that town is the only government we acknowledge, Mr. Seward perhaps might have some foundation for the hope that, in a case like this, he might have calculated upon some forbearance and friendship from her Majesty's government than his country has hitherto received. But I do not wish to follow the speech of the honorable and learned gentleman, though I am quite sure that the effect of it, to any one who reads it carefully, will be to bring to his mind the sort of speech which the honorable and learned gentleman would have made if he had been in another court and held a brief. I pro-

pose to read to the house two letters which have been forwarded to me, not because they will make any difference in the views of the government, or the course which the government will take; but I should wish, at any rate, that the people of this country, who, I am persuaded, have no wish that any calamitous contention between England and the United States should arise—that they at least should know what is the effect produced by the conduct of some of their countrymen, and what are the results that may possibly follow. I have a letter here, signed “William Thomas Nicholas, of the United States Coast Survey.” It is dated “Washington, United States of America, March 5, 1863.” He says:

“To-day appeared at the office of the United States Coast Survey, in which service I have the honor to be engaged, Captain F. A. Small, late of the American brig *Corris Ann*, of Machias, State of Maine, who made application (indorsed by members of Congress) for a set of charts to supply his wants, occurring in this way.

“On the 22d of January last he was in command of his vessel, on a private trading voyage from Philadelphia to the port of Cardenas, north coast of Cuba. Toward dusk of that day, when off the mouth of the harbor, and between the Rock Key, on which the light-house stands, and Mono Key, within a mile of the land, he was met by a steam vessel having the British union-jack flying at the mizen, which vessel, with that flag so flying, fired a shot across his bows, thereafter hauled down the British flag, and ran up a flag of the so-called Confederate States, and then fired another shot passing between his masts, and caused him to heave-to. His vessel was boarded by an officer, his papers called for, and he was told his vessel was taken by the confederate steamer *Florida*. His charts and chronometer were plundered from him, and he was given only a few minutes to get aboard, with his crew, his small boat, to make as best they could the shore, when the vessel was set on fire by the captors, and drifted a burning wreck on shore. This occurred in full sight of the vessels at the outer anchorage, and of the town of Cardenas, and not a protest or attempt at succor was made by the Spanish authorities.

“I leave the question of international law, of this so reported flagrant breach of the sanctity of a neutral’s territory (or water) to the United States Secretary of State to deal with the authorities of Spain; but I appeal with the indignation of a native-born Briton against this renewed instance (not the first, if I am rightly informed) of the desecration of the flag of Old England—of that ‘meteor flag,’ so long the pride and the boast of her people.

“The confederate steamer *Florida* is understood to be the same vessel that cleared from a port of Great Britain under the name of the *Oreto*, and is said to have been built, purchased, and fitted out therein for the service of the rebel leaders of the south, and is commanded by Captain Moffit, formerly of the United States navy.

“The captain of the destroyed vessel tells me that, had he not been deceived by the show of the British flag, and had he known what vessel was approaching him, he would have attempted to run her down, as he was going some ten knots an hour.

“Please note this also—this same Captain Small, (when master of the schooner *Sakwa*,) in the year 1858, for his gallantry in rescuing the crew of a British vessel (the *Halifax*) in a sinking condition, was presented by the British government, through the hands of Lord Napier, with a silver-mounted telescope; and now, confiding in the sign of that same flag, his own vessel is destroyed.

“And this at a time when the people of New York and other northern ports are generously despatching vessels freighted with supplies for the starving operatives of England—for those noble men and women so patiently bearing the sufferings brought upon them by no fault of theirs, but resulting from the

mad ambition, the foul conspiracy of a few disappointed slavery propagandists of this country.”

Well, he goes on to tell us what is the effect on that country of acts of that nature. The other letter is one I have received on the point to which the honorable and learned gentleman has referred, namely, as to what is now being done. It appears that two ships have gone out; that the government did not know anything about the one, and that the other was too sharp for them. This letter is from a gentleman in Liverpool who publishes a shipping list, which he sends me. He says :

“LIVERPOOL, *March 26.*

“I send by this mail two of our shipping lists—the *Telegraph*. It publishes all the vessels in our port, and gives the docks where they lie. By looking over those in the Toxteth dock you will see a steamer entered, ‘Alexandria, gunboat, 120.’ This vessel was launched from the yard of W. C. Miller & Son, on Saturday, the 7th March. This is the same firm that built the *Oreto*, now called the *Florida*, the same that recently burned the *Jacob Bell*. The gunboat *Alexandria* has been built by this firm for the confederate government, to cruise and make war against the United States. Fawcett, Prescott & Co. make the engines and armament. They are now getting her ready for sea. There is no doubt about the character of this vessel, or the parties for whom she is intended.

“This same firm launched on Saturday last another steamer called the *Phantom*, owned by Fraser, Trenholm, & Co. She has three port-holes in each side. They pretend she is to run the blockade, but I understand they will put arms on board after she gets out to Nassau. She will be fast, and make not less than seventeen miles per hour.

“The two rams (iron-clad) building by Lairds, at Birkenhead, for the confederates, are most formidable. They will each have two turrets, or towers, similar to the American monitors. They are not yet launched, but will be finished about June next.

“George and James Thomson, at Glasgow, are building a monster ram iron-clad for the confederate government. She is over 3,000 tons burden. This vessel is not yet launched.

“A steamer, owned by Fraser, Trenholm & Co., called *The Southerner*, has been launched from the yard of Pierce & Co., at Stockton. I have not much doubt but that this vessel is also intended as a privateer, though she will most probably carry out from here a cargo of merchandise, and fit out at Nassau.”

I heard only three weeks ago, when I was in the north of England, at Newcastle, from a gentleman who a few years ago was a member of this house, that this vessel is building and will soon be ready. He mentioned to me the name of one of the confederate agents, whose name appears in the intercepted despatches, and who was concerned in the *Alabama*, as being down at Stockton superintending this matter, or engaged in making arrangements on behalf of the Confederate States. That is the state of things, as far as this gentleman knows, and I believe that the building of those ships is just as nefarious as the building of the *Alabama* was. [Hear, hear.] There is only one other point to which I shall ask the attention of the house for a moment. The honorable and learned member thought he had a triumph over my honorable friend the member for Bradford (Mr. Forster) when he spoke of the United States government and their foreign enlistment act. Well, generally speaking, I should say it is not necessary for our government to alter the foreign enlistment act of this country, but it is a very common thing for all governments—and it has been as common for this as any other—to make laws and to alter laws to meet special cases. I recollect the government of which the noble lord (Lord Palmerston) was a member, the present foreign secretary being prime minister, bringing in a

bill for the purpose of making what was called "advised speaking"—which had been "sedition"—felony, and the House of Commons very judiciously, in my opinion, limited that alteration of the law to a period of two years, because it was thought that although there might be some propriety in the law at a time of great excitement like that, yet it was not necessary to alter the law of England for all time. [Hear, hear.] Now, in this case the United States government passed the foreign enlistment act in 1818. I think our act was passed in 1819. It was founded upon their act, and is, in point of fact, almost the same. In 1837 the United States government found that that act did not give them the power to interfere so summarily as they thought was desirable to prevent difficulty between the United States and England in reference to affairs in Canada, and therefore they passed another act, a few words of which, if the house permit me, I will read. [Hear, hear.] The statute, in section 2, says that the several officers mentioned in the foregoing section shall be authorized and required to seize any vessel or vehicle crossing the lakes or endeavoring to make its way to the frontier with arms, and all arms or munitions of war about to pass the frontier of the United States to any place within any foreign State or colony contiguous with the United States, where the character of the vessel or vehicle, the quantity of arms and ammunition, or other circumstances, shall furnish probable cause to believe that the said vessel or vehicle is intended to operate against a friendly power—(I am not quoting the words of the act, but such is its effect)—and bring the country into difficulty. I will not read more of the act. I have referred to it to show that the alteration was intended to give the government greater power to interfere and put the *onus probandi* rather upon the delinquents, which is a very common thing in this country. I am not sure whether honorable gentlemen opposite, when they came last year to deal with the matter of the possession of pheasants, did not require the delinquents to give proof that they came by the game honestly. Surely, then, I don't see why, in a case involving such a vast issue as war, the government would not be justified in going at least as far as that. [Hear, and laughter.] The other section of the act provides that the party whose ship is seized shall have a fair hearing, and that his property shall, under certain circumstances, be returned to him. The honorable and learned gentleman said that the foreign enlistment act had nothing to do with the law of nations, and that if we chose to repeal that act anybody might build ships and sell them to any power in the world. Well, I don't know whether that is so with regard to England, but it is not so with regard to the United States; for the act of the United States says expressly that it is intended to carry out that which was understood to be, and which they acknowledged to be, the law of nations, for the purpose of preserving the peace amongst the nations. [Hear, hear.] I shall not go into any further details with regard to this matter. I am satisfied that the speech of the honorable and learned member will give no greater satisfaction to very many persons in this country than it will give to very many in the United States. I am satisfied further, that if anybody in this country was building a ship-of-war, and there was a fair suspicion that it was intended to help a revolutionary party in the little kingdom of Portugal—which is always a pet kingdom of this government—I have not the slightest doubt but the government would interfere and stop the sailing of that ship. I say, sir, that our neutrality is a cold and unfriendly neutrality; and I say that, considering the natural alliance between this country and the United States, and the enormous interests which you jeopardize, it does become the government fairly to look this question in the face and to exert the influence they have, and which I believe the people of this country universally would support them in exerting, to prevent the sailing of these vessels, which can by no means whatever have any effect, so far as we are concerned, but to embroil us with that nation with which of all others in the world we have the greatest interest in remaining at peace. [Hear, hear.] Do

not for a moment believe that because the United States are in this great calamity, out of which they still will come a great nation—[hear, hear]—do not believe for a moment that acts like these can be forgotten now or forgotten hereafter. There are people in America interested apparently in creating ill-feeling to England. There are two millions of Irishmen in America, and whenever an Irishman plants his foot on any foreign country there stands an enemy of England. [“Oh, oh,” and “Hear, hear.”] I could read to you a speech delivered by Lord North in this house, in which he lamented that among those that were most hostile to England during the revolutionary war were those emigrants who had gone from Ireland. [Hear, hear.] Well, if there be in that country elements of hostility to England, there may be and possibly are elements of hostility to America in this country. Why, a man who is worthy to be a minister, instead of speaking with this cold and unfriendly tone, ought to know that all the living world and all posterity would judge him and condemn him if he permitted anything to be undone which he could do that would preserve the peace between the United States and England. [Hear, hear.] I am not afraid to stand here in defence, not of Mr. Seward’s despatches, but in defence of that great claim which the people of the United States have upon the generous forbearance and sympathy of Englishmen. If you had last night looked in the faces—[“Hear, hear,” and “Oh, oh”]—of three thousand of the most intelligent of the artisan classes in London as I did, and heard their cheers, and seen their sympathy for that country for which you appear to care so little, you would imagine that the more forbearing, the more generous, and the more just the conduct of the government to the United States, the more it would recommend itself to the magnanimous feelings of the people of this country. [Hear, hear.] If the noble lord at the head of the government, who is a man of unequalled experience in politics, and who, though he sometimes drives the coach very near the edge of the precipice, cannot, I should think, intend to drive it over—[hear, hear]—if the noble lord who has now for so long a time administered the affairs of this country with a greater degree of concurrence in this house than perhaps any minister ever enjoyed during his recollection—if the noble lord would now come forward with kindly words and generous acts, in a manly, genial spirit, towards a great and kindred people—he has it in his power to perform services to both nations and to the world at large not exceeded by any that his warmest admirers could say he had rendered during his long and protracted career. [Cheers.] This night, by that table, on this floor, the noble lord, in five minutes of those genial and friendly words which none know so well how to utter, might send a message to the United States that would allay much irritation, and would give great confidence to the friends of peace not only on that side of the Atlantic but to a vast number who hang upon his utterance in this country. [Loud cheers.]

Mr. Laird said that every transaction connected with the building of the Alabama, from the laying down of her keel to her launch, had been perfectly straightforward and above-board. Her Majesty’s government had every facility afforded them for inspecting the ship, and when she left the dock she had a custom-house officer on board. It had therefore been a perfectly legitimate transaction throughout. There was, however, one point that had been lost sight of during the discussion. If a ship without guns were regarded as so dangerous, guns, muskets, and ammunition of all sorts must be allowed to be much more so. [Cheers.] Now he (the honorable member) had been to the custom-house, and looked up the records relating to the shipping of implements of war to the northern States. [Conservative cheers.] He found amongst those who had engaged in transactions of that kind the eminent house of Baring Brothers. [Loud and long-continued laughter and cheers.] He found also the Inman Company, Brown, Shipley & Co., and many other well-known firms. Perhaps the house would like to know the extent to which the United States

had had supplies of arms and munitions of war from us; and gentlemen opposite would doubtless be able to obtain much more information on the same score from the consul at Liverpool than he could hope to procure, for that official saw every manifest and had to give a pass to every ship sailing to America. He (Mr. Laird) found from the official records at the custom-house that from the 1st of May, 1861, to the 31st of December last there had been shipped to the northern States no fewer than 41,500 muskets, 341,000 rifles—[cheers]—23,500 gun-flints, 49,200,000 percussion caps—[cheers]—and 2,205 swords. [Loud cheers.] To this must be added at least a third more for articles, like swords, rifles, and the like, exported under the name of “hardware.” [Laughter.] He had very recently heard of a ship of 2,000 tons taking out a whole cargo of this “hardware.” [Hear, hear.] From the 1st of January to the 17th of March he found that 2,387 gun-barrels, 3,105,005 percussion caps, and 30,802 rifles had been sent out, in addition to the immense quantity of warlike stores which he had read to the house. [Cheers.] If, therefore, the southern States had got two ships unarmed, and not fitted while in that state for purposes of war, the northern States had been very well supplied with the most efficient means of warfare from this country. [Cheers.] The house had been told that the United States had behaved well to us during the Russian war; but he had heard that a war vessel was built for the enemy in America, and actually sailed to Petropaulovski. But that was not all. In 1861 letters were written to a firm with which he (the honorable member) was connected, proposing that they should build iron-plated vessels-of-war and gunboats for the northern government. As to the remarks of the honorable gentleman, the member for Birmingham, he (Mr. Laird) would rather go down to posterity as the builder of a dozen Alabamas than as a man who had striven to set class against class—[great cheering]—and who had cried up the institutions of another country which had proved nothing, but failed the moment they came to be tested, and which made the very name of liberty absurd. [Cheers.]

THE CAPTURE OF THE PETERHOFF.

Mr. S. Fitzgerald, who rose to call attention to the case of the Peterhoff, said he could not agree with the criticisms which the honorable member (Mr. Bright) had offered upon the speech of the solicitor general. “There was scarcely a word in it from which he (Mr. Fitzgerald) dissented; and, in fact, a speech which for its argument was more unanswerable, for its talent more unequalled, and for its tone and temper more becoming the government of which the learned gentleman was a member, had never been pronounced in that house. He considered that those who had appeared that night as the advocates of the American government must feel that they had taken very little by the motion. [Hear.] With regard to the speech of the honorable member for Birmingham, he could not but express his regret—he might almost say his indignation—that the honorable gentleman, taking advantage of his position before the public, should have uttered words that would go forth on his authority to the United States—words in which, forgetting the sufferings of our starving population in the north, he had ventured to assert that we had exhibited towards the northern States a cold and unfriendly spirit. [Cheers.] He thought, too, the honorable member for Bradford would regret having brought forward the subject. He thought his honorable friend the member for Bradford was singularly unhappy in the American instance that he had adduced as one that should act as a guide to our own government, because the United States government acted upon suspicion and not upon evidence. And what was the result? It was found that they had detained an innocent vessel and had inflicted loss upon innocent persons. [Hear.] He would now come to the case of the capture of the Peterhoff, of which he had given notice on the paper. In speaking of that case he desired not to use strong

language, although he felt strongly as regarded the course pursued by the federal cruisers. He was very sensible of the gravity of the case, and although he stood there to vindicate the rights of British commerce, and to call upon her Majesty's government to take such steps as were necessary for that purpose, he had no wish, by strong language, to increase the irritation which must be felt by every class of her Majesty's subjects when the facts of this case were known. It was not a case such as those of which they had often heard, where there had been an attempt to break blockade. Such cases as those ought to be dealt with fairly upon their own merits. The owners knew well the risks they ran. But the case of the Peterhoff was entirely different. Some months since the firm of Filde, Spence & Co., of the city of London, advertised a line of steamers to start regularly from this country to Matamoras, in Mexico. There had long been a trade of great value between this country and Matamoras. The Mr. Spence of the firm in question was no relation of the distinguished Mr. Spence now in Liverpool, whose tendencies towards the confederate cause were well known. [A laugh.] Some time ago the firm of Filde, Spence & Co. and despatched the first of a line of steamers to Matamoras, and that vessel returned safely to this country. But the second vessel despatched by them, the Peterhoff, was captured. He had looked carefully through the whole of the documents relating to that ship, and from beginning to end there was nothing in them to indicate the slightest desire to engage in an improper trade; on the contrary, every single circumstance of the case showed that the voyage was a *bona fide* straightforward commercial transaction. He believed his honorable friend the member for the city of London had examined the manifest of the vessel, and would bear him out in saying that there was nothing whatever in it of a contraband nature. The vessel obtained proper clearances from the city of London, and with the view of taking every precaution it was delayed fifteen days longer than usual to obtain the clearances of the Mexican consul. She was commanded by a gentleman of considerable reputation—a lieutenant in the royal reserve—and, therefore, one not likely to be engaged in a contraband trade. But she was stopped by the confederate cruiser the Alabama; she was boarded; all her papers were examined, and they were indorsed by the commander of the confederate cruiser with the statement that they were in proper order. She was then allowed to proceed on her voyage; but, unfortunately for her owners, the notorious Commodore Wilkes subsequently captured her. There could be no doubt that he had received instructions from his government to do so. It was idle to tell the owners that they had a remedy by applying to the American admiralty court. When he remembered how the judges in America had been deterred by their government from administering the laws impartially, he had not much confidence in the result of any appeal that might be made to them by the owner of a British vessel captured by their government. But even if in the end, after years of delay, the vessel were restored to the owner, how much injustice would have been inflicted upon him by the capture. There were circumstances associated with the capture of the vessel which greatly concerned her Majesty's government, for he found that there must have been certain communications between the American and her Majesty's government, the nature of which must have a very serious bearing on it. There was not, however, from the beginning to the end of the papers which had been furnished to them a single trace of such a correspondence. They were entirely in the dark as to the arrangement which had been made between Earl Russell and the representatives of the American government, and he did not think that that was a position in which they ought to be placed. Her Majesty's government ought not to leave them in entire ignorance of the arrangement which had been entered into. The secrecy on the part of her Majesty's government in connexion with American affairs was very unsatisfactory, if not discreditable. The government had furnished the house with no information in reference to

our relations with America, except such as had already been printed and one or two documents of trifling importance. He considered that the house ought at the present time to be in possession of the fullest information with which it was in the power of her Majesty's government to furnish them. He was of opinion that her Majesty's government was in a great degree responsible for the capture by the Americans of the British vessels sailing to neutral ports, owing to the course they had pursued. Then, when an influential body of Liverpool merchants represented to Earl Russell that their trading operations were put a stop to by the federal government, the answer which his lordship returned to them was more of an insult than anything else. Earl Russell offered advice on the contraband trade with America, but he ignored the fact that the American government had interfered with their legitimate trade. His lordship was quite aware at the time that the complaint of the Liverpool merchants was well founded, and that the cause of it was contrary to international law, but he passed it by unnoticed. If, instead of lecturing the Liverpool merchants, Earl Russell had expressed the firm opinion of the government that such detention of vessels going to neutral ports was illegal, he (Mr. Fitzgerald) ventured to say his lordship would have been supported by both the house and the country at large. [Hear, hear.] If his lordship had done so, could they suppose that the repeated cases in which British vessels had been captured while engaged in legitimate trade would have happened, and that it would have been necessary for him now to call upon her Majesty's government to give effectual protection to British vessels, and not allow those trading to a neutral port to be interfered with by the violent and illegal conduct of Commodore Wilkes? They would perhaps be told that her Majesty's government intended to act with energy in the matter. He did not doubt they would do so, because he did not believe they dare refuse proper protection; but it would have been far more satisfactory if such a degree of vacillation had not been exhibited at the foreign office. At the first the intentions of the British government should have been shown, and they should not have sought, as they had done, to pacify those whose fair pursuits in trade and commerce had been injured by telling them, in the stereotyped form of all governments, that the matter should receive their earliest attention. Her Majesty's government ought to give an assurance to the house that they would make the views of the British government so well known that cases of this kind should not again occur. With respect to the despatches and various other documents which had been referred to, he hoped that her Majesty's government would lose no time in presenting them to the house.

Mr. Crawford said he should have been content to leave the case of the Peterhoff in the hands of the government, knowing that the opinion by which they were guided would be that of the honorable and learned gentleman who had so ably addressed the house. But there were one or two circumstances showing the *bona fide* character of the voyage in which the Peterhoff was engaged which he was enabled to communicate. This vessel was advertised to proceed to Matamoras. She carried a mail made up at the general post-office, and her arrangements for obtaining a supply of coal at the West Indies were such as to satisfy any one that her object was to perform a speedy voyage to her destination. He (Mr. Crawford) had taken care to ascertain the nature of the cargo. The persons lading the ship had placed in his hands the ship's manifest and other documentary evidence, by which he had learned the general character of the cargo. It was of a most miscellaneous description. The Mexican law required that the fullest particulars of every package intended for importation, with its contents and measurement, should be clearly stated in the manifest. He had, therefore, the fullest opportunity of satisfying himself as to the character of the goods. He also put this question pointedly to one of the gentlemen who waited on him on behalf of the shippers: Is there anything in the description of these goods of a colorable character, in the nature of hardware, intended to cover

such articles as rifles and muskets? The answer was there was nothing of a contraband character, and nothing but what was stated in the manifest. The vessel was engaged in carrying legal goods under legal circumstances to a legal port. He had little to say as to the peculiar mode in which the vessel had been treated. There were in the city gentlemen who had northern proclivities as well as southern, and there were those who said that the ultimate destination of these goods being probably the southern States, there was a reason why the northern cruisers should stop this vessel. This was a question for the law officers of the crown. But there was one point worthy of observation, that at the present time a large trade was carried on in American vessels between New York and Matamoras precisely of this character; therefore there must be some other reason for the seizure of the Peterhoff. It would seem that the government of the northern States had no objection to this trade being carried on for their own benefit, but they had an objection to any benefit being got out of it by the merchants of this country. The material point for the consideration of mercantile men was this. Here was this vessel captured whilst under the prosecution of a legal voyage. Other vessels bound to the same destination were loading in the ports of England carrying similar cargoes. Some of these vessels were about to sail, but the owners were now in a state of doubt. What were they to do? He had no doubt the question would receive the immediate attention of government, and he was content on the part of the owners and shippers, whom he represented, to abide the result.

Mr. Layard wished to say a few words in reply to the questions of the honorable member for Horsham and to the honorable gentleman who just sat down. An *ex parte* statement of the owners of the Peterhoff had been submitted to her Majesty's government. Of course he did not mean to call in question the accuracy of those facts; but the house, he was sure, would agree with him that the government could not take any immediate action on a statement of that nature. What had been done in the case was what was always done in a similar case. The facts were stated to the law officers of the crown, and when the opinion of the law officers was known such a representation would be made to the government of the United States as seemed to her Majesty's government to be necessary. He did not know what the honorable gentleman wished them to do. He said they had shown no energy, but the case had only been brought under their consideration within two days, and he should like to know what, in the opinion of the honorable gentleman, the government ought to do. The only course open to them had been taken, and when the opinion of the law officers was known the necessary action would be taken in the case. The honorable gentleman had travelled beyond the case of the Peterhoff, and talked of arrangements made between her Majesty's government and the government of the United States respecting the stoppage of English vessels by American cruisers. His honorable friend was laboring under a delusion respecting those arrangements. [Hear, hear.] He (Mr. Layard) had never heard of such an arrangement as he had mentioned. It was true they had strongly objected to the proceedings of cruisers of the United States; and in consequence, partly of their protest, the American government had issued to their cruisers certain orders, which he believed were published in the United States papers. [Hear, hear.] Earl Russell considered that this was not an arrangement between her Majesty's government and the government of the United States, but simply an arrangement made by the government of the United States for the direction of their own cruisers. They had nothing to do with any suspicion the American government might have as to any vessels leaving its coasts, and he distinctly denied that any such arrangement had been made between her Majesty's government and the government of the United States as his honorable friend had alluded to. [Hear, hear.] The honorable gentleman said they were guilty of discreditable proceedings in presenting papers they had laid on the table—

Mr. S. Fitzgerald denied that he had used the word "discreditable."

Mr. Layard resumed: When the notice of motion of his honorable friend Mr. Forster was put on the paper he told him he would place on the table such papers as he thought would be interesting to the house. He stated that if the papers which his honorable friend required were not included in the correspondence laid before the house he would be ready to furnish any other papers that were required. He thought, therefore, that the honorable member for Horsham had treated him unfairly when he said he was guilty of a discreditable proceeding in laying these papers on the table. He did not know what papers his honorable friend wished to have laid on the table. He referred to vessels running the blockade, and asked why they were not furnished with information about such vessels. He (Mr. Layard) could assure the house that if they gave a return respecting the vessels that had run the blockade they would add greatly to the printing expenses of the house, and would be of large bulk. It was equally useless to lay on the table papers respecting mere questions of law that were under discussion. He would reply to the question of the honorable member for Devizes, whose sources of information in the foreign newspapers were so inexhaustible that it was impossible to keep pace with him. [Laughter.]

MINISTERIAL REPLY.

Viscount Palmerston then rose and said:

In regard to the much more important practical question which has been raised by my honorable friend the member for Bradford I cannot but express some regret at the tone of his remarks, and still more at the tone taken by the honorable gentleman the member of Birmingham. There is no use of concealing the fact—there is no use disguising it—that whenever any political party, whether in or out of office, in the United States finds itself in difficulty it raises a cry against England—[cheers]—as a means of creating what in American language is called political capital. That is a course which we must very deeply regret, but so long as it is simply confined to their internal affairs we can only hope that, being rather a dangerous game, it may not be carried further than they intend. [Hear.] But when a government or a large party excite the passions of one nation against another, especially if there is no just cause, it is manifest that such a course has a great tendency to endanger the friendly relations existing between the two countries. We understand the object, and we do not feel that hesitation on the subject which we should otherwise have been justified in feeling; but if that cry is raised for the purpose of driving the government of this country to take some course which may be contrary to the law of the country, or which may be contrary to the dignity of the country in the way of altering our laws for the purpose of pleasing another country, all that I can say is, that such a course is not likely to accomplish its purpose. Still, sir, I very much regret the speech of my honorable friend the member for Bradford, and more particularly the speech of the honorable member for Birmingham, which are calculated to encourage that irritation which I think is totally unfounded on the part of the American people. I should hope that gentlemen bringing that question before the house would rather try to allay the irritation, instead of making out, as they endeavored to do, that the Americans have just cause to complain of the conduct of England and the English government. With regard to the cause of the complaint my honorable and learned friend, the solicitor general, in that admirable speech, [cheers,] which I listened to with the greatest delight, has demonstrated that the Americans have no cause to complain. He has shown that the British government have done, upon representations made to them by the American minister, everything which the law of the country enabled them to do. Although I can very easily understand that, in the United States, where, owing to the

great irritation and animation produced by civil war, men's minds have been led to forget, in a great degree, the obligations of law, they may not give that credit which is due to the arguments which we used, that we cannot go beyond what the law prescribes and authorizes. Yet I think this house will see at least that the statement of my honorable and learned friend shows that we have done, with regard to the foreign enlistment act, everything which the law enabled and authorized us to do. Gentlemen have argued as if seizing a vessel were equivalent to the condemnation of a vessel. It was said: "Why did you not seize the Alabama? You were told that it was known or believed that she was engaged for warlike purposes on the part of the Confederate States." Well, in the first place, you cannot seize a vessel under the foreign enlistment act unless you have obtained evidence upon oath authorizing just suspicions. We did not obtain such evidence. The American minister said: "I tell you this—I tell you that—I am sure of this—I am sure of that;" but when he was asked to produce the evidence upon oath, which was the only groundwork for proceeding, he says: "No; the information was given to the American consul, and I cannot give you the evidence upon oath; but, nevertheless, you should act upon my assertions and suspicions, which I maintain are well founded." What would happen if you seized a vessel unjustly and without good grounds? There is a process of law to come afterwards, [hear, hear,] and the government would be condemned in heavy costs and damages. Are we going to undertake an illegal course, which would lead to these consequences, simply to please the agent of a foreign government? We say that if there is any fault, the fault is on the part of those who called upon us to do an act, but would not give us the groundwork upon which that act would have been justified. I myself have great doubts whether, if we had seized the Alabama in the condition in which she was, we should not have been exposed to considerable damages, because it was stated, and generally known, that she sailed from this country unarmed, apparently unfit for war, and that her armament, equipments, and crew were afterwards given to her in a foreign port. Therefore the probability is that, whatever suspicions there may have been, and well-founded as the result proves, of her intended destination, circumstances would not have justified a court of law in proceeding to take her from her owners and prevent her from quitting port. I can assure the House that her Majesty's government have no indisposition to enforce the conditions of the foreign enlistment act whenever just cause may occur. The honorable gentleman, the member for Birmingham, reproaches us with exhibiting a cold and unfriendly neutrality. I don't know exactly what the meaning of such terms may be. They appear to me to be a contradiction, [laughter and hear,] because if a neutrality is warm and friendly to the one party, it must be something very different towards the other, [laughter and cheers,] and ceases to be that which, in common parlance, is called neutrality between contending parties. Whether our neutrality is warm or cold, friendly or unfriendly, it is sincere and honest. [Cheers.] I can assure my honorable friend and the House, that whenever it is in our power to enforce the provisions of that act legally and according to justice, we shall not be found wanting in the performance of our duty. It is a great mistake to suppose that we can see with pleasure any transactions going on in this country which have a tendency to violate not only the letter but the spirit of the foreign enlistment act. [Hear.] It would have been much more agreeable to us if all those supplies which have been so well enumerated by the honorable member for Birkenhead, which have been furnished so abundantly to the one party and so scantily to the other, [hear,] it would have been much more agreeable to us if the whole of the United Kingdom had remained in a state of the most perfect neutrality between the two parties, and if no supplies of any kind had been furnished. But when we are so much reproached for not having acted upon suspicions, it is fair to say that, so far as suspicions go, we have been informed,

it may be quite erroneous, that not only have arms gone to the northern part of the United States, but that endeavors had been made in Ireland to enlist persons to go and serve in their army and navy. [Cheers.] And unquestionably a great many cases have arisen in North America of British subjects who had been seized, and with regard to whom attempts have been made to compel them to serve against their will in the war now raging between the contending parties.

Now, sir, feeling, as we must do, the greatest desire that the most friendly relations should continue to be maintained between this country and the United States, and regretting exceedingly that any circumstances of any kind should have created any irritation in the minds of the people of the northern Union, I can only say that we cannot go beyond the law. The law is one which is very difficult of execution, and this is not the first time that that has been discovered. When the contest was raging in Spain between Don Carlos and Isabella, it was my duty—the British government having taken part with the Queen of Spain, to prevent supplies of arms from reaching the Carlists from this country. I can assure the House that there were two or three ships fitting out on the Thames, which we knew perfectly well were intended to go in aid of Don Carlos, but it was impossible for us to obtain that information which would have enabled the government successfully to seize them. All I can say is, that I do hope that those gentlemen who are warm advocates of the north—I am not now speaking in favor of one or the other—that those who make themselves in this house the advocates of the north, will use that influence to which they are entitled, by the course they have taken, to prove to their friends on the other side of the Atlantic that really the charges made against the British government are not founded in reason or law, and to assure them that her Majesty's government will continue, as I contend they have done hitherto, to execute the law whenever a case shall be brought before them in regard to which they can safely act upon good and sufficient grounds. But there must be a deposition upon oath. That deposition must be made as to facts that will stand examination before a court of law; and I say that to call upon us arbitrarily and capriciously to seize vessels with regard to which no great, convincing, and proper proof can afterwards be established, would be urging this government to adopt a course which will cast discredit upon them, and only lead to difficulties and certain embarrassment. [Hear, hear.] Sir, I can only say, therefore, that I do trust that the people and the government of the United States will believe that we are doing our best in any case to execute the laws, but that they will not imagine that the cry raised will induce us to come down to this house to alter the law. We have had, I have had, [laughter.] experience of those cries, but I think by the murmers of gentlemen who are sitting on these benches that they would not be disposed, even if I were so, to concur in any proposition of the kind. [Hear, hear.]

Lord Fermoy thought that the noble lord's speech was in accordance with the general feeling of the country. He was glad that the noble lord had retired from the advanced position he had taken in former debates on the subject of Poland. Twice this session had he justly stigmatized the conduct of Russia. He (Lord Fermoy) considered that as Russia had deliberately violated the treaty of Vienna, Poland was released from all her obligations. He hoped that the European powers would interfere and summon a general council to confirm the independence of the struggling kingdom.

Mr. Seward to Mr. Adams.

No. 534.]

DEPARTMENT OF STATE,
Washington, March 31, 1863.

SIR: Your despatch of March 13 (No. 350) has been received. The President desires you (while adhering to previous instructions in regard to matters of like import) to communicate, in the manner which will be most grateful to the citizens of Cirencester, his acknowledgments for the just and generous sentiments in regard to the United States which they have expressed in the resolutions adopted by them in the public meetings held on the 4th of March instant.

You will make a similar acknowledgment to the inhabitants of Bolton, in the county of Lancaster, for the noble protest which they have made against the violent efforts at home and insidious efforts abroad to overthrow the government and free institutions of the United States. That instrument has been deposited, and will forever remain, in the archives of the republic.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 536.]

DEPARTMENT OF STATE,
Washington, March 31, 1863.

SIR: Your despatch of the 12th of March (No. 346) has been received.

Your attendance at the nuptial ceremonies of his royal highness the Prince of Wales, and the honors which you paid to the ceremony at the legation, are approved. The event is regarded by the British nation as contributing a new guaranty of the stability, prosperity, and welfare of the United Kingdom. The people of the United States, well-wishers to all nations, and cordially friendly to Great Britain, give their best wishes that that guaranty may prove a substantial and reliable one.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 538.]

DEPARTMENT OF STATE,
Washington, April 2, 1863.

SIR: Your despatch of the 13th of March (No. 349) has been received, together with three notes addressed to you by Earl Russell, namely, one under date of the 9th of March, in relation to the building, equipment, and fitting out in British ports of armed vessels for the destruction of American commerce; one, of the same date, relating to the Sumter; and still another, of the same date, relating to the claim of damages for the destruction of certain vessels by the Alabama, which was fitted out and despatched from a British port to cruise against American merchant vessels.

You will inform Earl Russell that the President profoundly regrets these decisions of the British government, declining to interfere to arrest proceedings

of British subjects, within its exclusive jurisdiction, hostile and injurious to the United States. Recent instructions bearing upon the same subject will have reached you after these decisions were made. You will submit the views of the President, expressed in those later instructions, to Earl Russell.

As one more resource, it is deemed advisable that an effort be made to secure the enforcement of the enlistment laws through the action of the courts. Will you consult counsel, and have a case prepared and proceedings instituted, if advice received shall warrant any expectation of justice? This is the President's conclusion upon the whole matter as it is known here. Nevertheless, it is not to overrule your own judgment upon an examination of all the circumstances of the case.

Upon being informed of any expense that you may incur in carrying this instruction into effect, the department will send you a credit therefor on the bankers of the United States at London.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract]

No. 360.]

LEGATION OF THE UNITED STATES,

London, April 2, 1863.

SIR: * * * * *

I transmit herewith resolutions which have come to hand since last week, passed at meetings held in Woolwich, in Kent, and in Bingley, in Yorkshire.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

RESOLUTIONS AT BINGLEY, ENGLAND.

To Abraham Lincoln, President of the United States of America:

MR. PRESIDENT: It gives us great pleasure to inform you that at a public meeting held in the town of Bingley, in the county of York, in the north of England, on the seventeenth of March, in the year 1863, about six hundred persons attended the meeting, when the following resolutions were carried unanimously:

1. That it is the opinion of this meeting that President Lincoln and the northern States are entitled to the generous sympathy and moral support of England for their emancipation policy. Also, that the present American rebellion originated in slavery, is continued for its defence, and for its perpetuation; that slavery is in antagonism to christianity, to free institutions, a scourge, a blight, a curse on the human race, and a stain on the civilization of the nineteenth century.

2. That as the United States government has avowed an emancipation policy, and this meeting abhors and detests slavery, deprecates the efforts which have been made to induce her Majesty's ministers to transgress the policy of non-

intervention on behalf of the slaveholders, who, by rebellion and fighting for slavery, have brought incalculable misery upon their own and this country.

3. That a copy of the foregoing resolutions be forwarded to his excellency the Hon. C. F. Adams, with a request that he will remit them to President Lincoln.

Signed on behalf of the meeting by the—

REV. E. S. HERON,
Independent Minister and Chairman of the Meeting.

To the honorable Charles Francis Adams, United States minister to England :

HONORED SIR: You will greatly oblige the Union and Anti-Slavery committee of Bingley by forwarding this document to your respected President, A. Lincoln. Also, if you should think it necessary to write to the committee, you can do so by the following address: "Mr. John Bailey, clock and watch maker, Chapel Lane, Bingley, York."

We are yours, faithfully, for the committee,

JOHN BAILEY, *Secretary.*

RESOLUTIONS AT WOOLWICH, ENGLAND.

CHARLTON, S. E., *March 27, 1863.*

SIR: It is my pleasurable duty to inform you that at a full and public meeting convened by the townspeople of Woolwich, and held in their largest assembly room, the Lecture Hall, Nelson street, the following resolutions were unanimously adopted, viz:

1. "That this meeting fully believing that freedom is the birthright of every man, whatever may be his color, race, or creed; believing that every man has a right to sell his labor in the best market he can find for it, and to preserve his conjugal and parental relations sacred and inviolate, desires to express its sympathy with the anti-slavery movement in the United States, and its cordial approval of the abolition and emancipatory policy of their present government.

2. "That this meeting views with the utmost abhorrence the efforts now being made by a section of the American people (unmindful of their *duties* as freemen) to establish a separate nation upon the basis of slavery, and express its conviction that the government of the United States is doing its duty in repressing their rebellion, and deserves the warmest sympathy of every true lover of freedom.

3. "That this meeting expresses its concurrence in the principle of non-intervention by the British government in this contest, and earnestly desires that this principle may be *strictly* adhered to until the close of the war, and that greater vigilance be exercised in enforcing the neutrality laws, particularly as regards the fitting out of war vessels for the confederates."

I am, sir, with great respect, your obedient servant,

R. PADGHAM,

Hon'y Sec'y to the Woolwich Emancipation Society pro. tem.

Hon. CHARLES FRANCIS ADAMS,
United States Minister in London.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 362.]

LEGATION OF THE UNITED STATES,
London, April 3, 1863.

SIR: I have the honor to transmit a copy of several notes which have passed between myself and Lord Russell respecting certain vessels in preparation at Liverpool to carry on hostilities against the United States. The evidence already collected to sustain these allegations, and that which we are in a way to obtain, will be of a kind, I trust, to enable the government to exert its power in some form of repression. I have labored to impress upon his lordship the value of some demonstration of the kind as a protection to both countries against the unhallowed intrigues of desperate adventurers, British and American. I really think his lordship and a portion of the cabinet ministers sincerely so disposed. Others are inclined an opposite way, and still others are indifferent. So that it is impossible to predict what may be done.

* * * * *

Lord Palmerston is receiving an ovation in Scotland, whither he has gone during the Easter holidays. His speeches are well received.

* * * * *

The loan in favor of the rebels, which seemed to begin so auspiciously, has been gradually losing its attractive appearance until yesterday, when it fell below par. This is not a favorable augury for settlement day, which is approaching. I do not think it receives much countenance in responsible quarters. Still it may help creditors out of their difficulties, and encourage them to complete contracts.

Some effort is making to stimulate the public feeling about the capture of the Peterhoff, to which end the name of Admiral Wilkes is loudly sounded to revive odium. The Times of yesterday had a leader on the subject, which may possibly have been inspired from official sources, but is more likely to have come from Lloyds, where there is heavy insurance on the ship.

The secret letter of Messrs. Bennett & Wake, of the 24th November last, which originated this novel form of smuggling through Brownsville, has been so long before you that the matter scarcely needs further comment. The disappointment of the contrivers here is extreme.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Enclosures.]

1. Mr. Adams to Lord Russell, about the Phantom, &c., March 26, 1863.
2. Mr. Dudley to Mr. Adams, about same, March 24, 1863.
3. Lord Russell to Mr. Adams, March 27, 1863.
4. Lord Russell to Mr. Adams, referring to Liverpool, March 28, 1863.
5. Mr. Adams to Lord Russell, with case of the Alexandra and notes to C. R. Yonge, March 30, 1863.
6. Mr. Adams to Mr. Dudley, March 29, 1863.
7. Lord Russell to Mr. Adams, March 31, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, March 26, 1863.

MY LORD: I have the honor to transmit for your information the copy of an extract of a letter received by me from Mr. Dudley, the consul at Liverpool, giving some particulars of hostile outfits making at that place. It is proper to add, in correction of a statement therein contained, that Mr. Dudley has to-day informed me that the Southerner has not yet reached Liverpool. There is little doubt, however, of its ultimate destination.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,

Liverpool, March 24, 1863.

SIR: On Saturday last Wm. C. Miller & Son launched from their yard, in Liverpool, an iron-screw steamer, called the Phantom, built for Fraser, Trenholm & Co. This vessel is large and to have great speed. The contract is not less than seventeen nautical miles per hour. Her engines are being made by Fawcett, Preston & Co. She has three port-holes on each side. Captain Bullock, Captain Tessier, Mr. Pinbeam, the leading members of the firm of Fraser, Trenholm & Co., Mr. Thomas, of the firm of Fawcett, Preston & Co., and others, were present at the launch. She is intended for the south, either as a privateer or blockade runner; there is no doubt about this, I think. She will turn up a privateer. Her draught of water will be light, and with her powerful engines her speed will be very fast. When afloat she will be a most dangerous craft to our commerce, if armed with two or three guns.

I have on several occasions referred to the steamer built at Stockton for Fraser, Trenholm & Co., called the Southerner. This vessel came here yesterday either to coal or else to fit out as a privateer. There is no doubt about this vessel. I suppose it will be impossible for me to obtain legal evidence against these two vessels, and nothing short of this will satisfy this government.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,

United States Minister.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *March 27, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, calling attention to two vessels, the Phantom and the Southerner, supposed to be destined for the service of the so-called Confederate States, and I have to acquaint you that the proper departments of her Majesty's government will be requested to make immediate inquiries on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

C. F. ADAMS, Esq., &c., &c., &c.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *March 28, 1863.*

SIR: With reference to my letter of yesterday's date, I have the honor to inform you that I have received from the home office a copy of a letter which has been addressed to the mayor of Liverpool, respecting the two vessels Phantom and Southern, stated by the United States consul at that port to be fitting out for the service of the so-styled Confederate States.

In that letter the mayor of Liverpool is instructed to make immediate inquiries as to these vessels, or whichever of them is now at Liverpool, and to ascertain whether there is any reason to believe that they or either of them are or is being equipped, furnished, fitted out, or armed with the intent to commit hostilities against the United States government; and if so, to report whether any evidence on oath can be procured in order to proceedings being taken under the foreign enlistment act.

I have accordingly the honor to suggest, that as the United States consul at Liverpool has stated in his letter to you that there is no doubt with respect to the vessel named the Southerner, you should instruct that officer to furnish the mayor of Liverpool with the information on which his belief is founded.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL,

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Adams to Lord Russell.*LEGATION OF THE UNITED STATES,
London, March 30, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 28th instant, in reply to my representation of the cases of the Phantom and the Southerner, believed to be fitting out from this kingdom for the purpose of carrying on war against the United States. In accordance with your lordship's suggestion I have written to Mr. Dudley, the consul of the United States at Liverpool, directions to obtain all the evidence within his power to fortify his allegation.

I now have the honor to transmit to your lordship a copy of a letter from Mr. Dudley, together with a number of depositions taken before the collector of Liverpool, going to show a similar equipment of another steamer, called the Alexandra, in the same port. I shall remit no exertion to place in the hands of her Majesty's government all the information that can be obtained touching these hostile designs, being quite confident that I can in no way contribute so effectually to the defeat of the machinations of evil-minded persons, who hope, through a dexterous use of such hostile armaments, to involve the people of the two countries in hostilities out of which neither can expect to reap the smallest advantage.

I have the honor likewise to submit to your lordship's consideration another note from Mr. Dudley, of the 28th instant, transmitting copies of certain papers which appear to prove quite conclusively the relation of certain persons in Liverpool, whose names appear therein, to the insurgent authorities in the United States. It thus appears that the same individuals who were concerned in the outfit and departure of the gunboat No. 290 are those now mentioned as directing the outfit of the Alexandra. I would most especially solicit your lordship's

attention to the letter of instructions signed by James D. Bullock, and dated 28th of July, 1862. This was the day before the departure of No. 290 from Liverpool. The directions to enlist her Majesty's subjects, together with the means to be resorted to in order to persuade them to carry on war against the people of a friendly nation, are most particularly deserving of notice. As connecting the links of evidence touching the purposes of the parties at Liverpool, the allegation of the despatch of the *Agrippina* from Liverpool with the necessary objects to complete the warlike equipment of No. 290 seems to be of essential value.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient,
CHARLES FRANCIS ADAMS.

—
[Enclosures.]

1. Mr. Dudley to Mr. Adams, about the *Alexandra*, March 28, 1863.
2. Mr. Dudley to S. Price Edwards, esq., March 28, 1863.
3. Deposition of Mr. Dudley against the *Alexandra*.
4. Deposition of John De Castra against the *Alexandra*.
5. Deposition of O. R. Mumford against the *Alexandra*.
6. Deposition of Neil Black against the *Alexandra*.
7. Deposition of Thomas Hutson against the *Alexandra*.
8. Deposition of Matthew Maguire against the *Alexandra*.
9. Mr. Dudley to Mr. Adams, with rebel documents, March 28, 1863.
10. Captain Bullock to Mr. Mallory, January 30, 1862.
11. Receipt of money from C. R. Yonge, Liverpool, July 9, 1862.
12. Captain Bullock to C. R. Yonge, instructing him how to act on No. 290 as assistant paymaster.
13. Same to same, appointing him in rebel navy, Liverpool, July 30, 1862.
Endorsed by Captain Semmes.
14. Captain Semmes to C. R. Yonge, notifying him of his dismissal from the No. 290, dated Port Royal, January 25, 1863.

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Mr. Adams to Mr. Dudley.

LEGATION OF THE UNITED STATES,

London, March 29, 1863.

SIR: I received a packet from you late last night. I shall send in the papers to the foreign office as soon as they are copied to-morrow.

I presume the *Alexandra* and the *Phantom* to be two different steamers, and shall proceed accordingly unless you send me word by telegraph to-morrow.

I yesterday received a note from Lord Russell in reply to mine, which was based upon your note of the 24th instant, respecting the *Phantom* and *Southerner*. This is what he writes on that subject:

“The mayor of Liverpool is instructed to make immediate inquiries as to these vessels, or whichever of them is now at Liverpool, and to ascertain whether there is any reason to believe that they or either of them are or is being equipped, furnished, fitted out, or armed with the intent to commit hostilities against the United States government; and if so, to report whether any evidence on oath can be procured in order to proceedings being taken under the foreign enlistment act.”

“I have accordingly the honor to suggest, that as the United States consul at

Liverpool has stated in his letter to you that there is no doubt with respect to the vessel named the Southerner, you should instruct that officer to furnish the mayor of Liverpool with the information on which his belief is founded."

If you can do anything, well and good.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Lord Russell to Mr. Adams.

PEMBROKE LODGE, *March 31, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter, with enclosures, dated March 30, 1863, and received at the foreign office this morning.

I shall take care to transmit immediately your letter, and the depositions and letter of instructions, to the proper departments of the government.

I beg you to accept the assurances of the highest consideration with which I have the honor to be, sir, your faithful servant,

RUSSELL.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 363.]

LEGATION OF THE UNITED STATES,

London, April 3, 1863.

SIR: I have the honor to transmit a copy of a further official publication of documents connected with the case of the gunboat No. 290. Although they are by no means complete, the effect of them is to dissipate some of the illusions created by the solicitor general in his speech of Friday last.

Mr. Dudley has consulted me respecting a more full publication of these papers, so far as his action is concerned, and I advised it. In truth, the moral sense of the country has not been quieted by the parliamentary narcotic. And the impression that a war may grow out of it makes those who are really friendly to peace disposed to exert themselves. The appearance of taking a side against one's own, and in favor of a foreign government, is very properly regarded with aversion in all countries. I do not, therefore, press the subject on the consideration of any one here. It is much better to submit the evidence to the public, correcting, as far as possible, the natural tendency to misstatement and misconception, without any attempt to fortify it by argument.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington.

[Enclosure]

Printed copy of extracts from the correspondence between the commissioners of customs and the custom-house authorities at Liverpool respecting No. 290.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 364.]

LEGATION OF THE UNITED STATES,

London, April 3, 1863.

SIR: On Thursday, the 1st instant, Mr. Clarence R. Yonge made his appearance at this legation. He announced himself as a native of Washington and a resident at Savannah. He had received a commission as paymaster in the steamer Alabama, on her departure from Liverpool, in July last, and had served in that capacity down to the time of her arrival at Kingston, in Jamaica.

* * * * *

The result is the document of which I have the honor to transmit herewith. I shall send another copy of it to Lord Russell so soon as it can be prepared. It comes, happily, in aid of other evidence at the moment in my possession, going to establish beyond a doubt the position of Captain Bullock as an agent of the rebel authorities within this kingdom.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Deposition of Clarence R. Yonge.

I, Clarence Randolph Yonge, citizen of the State of Georgia, in the United States, late paymaster on board the steamer Alabama, formerly called the 290, and also called the Eurica, and was built by Messrs. Laird & Birkenhead, in England, make oath and say as follows:

I came to England in the steamer Annie Childs, which sailed from Wilmington, in North Carolina, early in February, one thousand eight hundred and sixty-two, and landed in England on or about the eleventh of March, one thousand eight hundred and sixty-two, and remained at Liverpool until the steamer Alabama went to sea. I came over for the express purpose of acting as paymaster to the Alabama. I engaged for that purpose with Captain James D. Bullock, at Savannah, Georgia. He had full authority from the confederate government in the matters about to be mentioned. Lieutenant North had been sent over to England by the confederate government to get iron-clad vessels built.

Captain Bullock had been over previously, and had made the contract for building the Oreto and the Alabama, and was returning to England to assume the command of the latter ship. He was directed at the time to assist Lieutenant North with his advice and experience in building the iron-clads, which Lieutenant North had been over here expressly to get built. I was in the naval paymaster's office in Savannah, Georgia, under the confederate government. Captain Bullock wanted some one to accompany him, and I was recommended by the paymaster at Savannah to Captain Bullock.

I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of Mr. S. R. Mallory, the secretary of the navy, a paymaster in the confederate navy, and assigned to the Alabama. I continued as paymaster in the navy of the Confederate States of America from the time of my appointment in Savannah, Georgia, up to the time of my leaving the Alabama at Port Royal, in January, one thousand eight hundred and sixty-three.

The date of my appointment as paymaster in the confederate navy was the 21st day of December, 1861. Previous to this time I had attended to Captain Bullock's correspondence with the confederate government, and I, therefore, knew that these two vessels, afterwards called the *Oreto* and *Alabama*, were being built in England for the confederate government, and, by the same means, I knew that Captain Bullock, who is a commander in the confederate navy, was the acknowledged agent of the confederate government for the purpose of getting such ships built.

There was some correspondence which I saw between Captain Bullock and Mr. S. R. Mallory, the secretary of the navy, relative to purchasing two English vessels which had been used as transports in the Crimean war, Captain Bullock advising against purchasing them, as being unfit for the service for which they were required. I wrote the letters from Captain Bullock (and which he signed) to the secretary advising against this purchase. There was correspondence between Mr. Mallory and Captain Bullock (which I saw and copied) to the effect that the money would be ready and lodged in England to pay for these vessels as it fell due.

From what I know, I am satisfied that the money was all duly paid as it fell due for these vessels. I saw a letter from Captain Bullock to Fraser, Trenholm & Co., (a firm in Liverpool, hereinafter again referred to,) thanking them. Captain Bullock kept copies of his correspondence, and they are deposited in one of the banks in Savannah.

From the time of my coming to England until I sailed in the *Alabama*, my principal business was in paying the officers of the confederate navy who were over here attached to the *Alabama*, and sent over for that purpose. I used to pay them monthly, about the first of the month, at Fraser, Trenholm & Co.'s office, in Liverpool, and I drew the money for that purpose from that firm.

Commander, James D. Bullock; John Low, lieutenant; Eugene Maffit, midshipman; and E. M. Anderson, midshipman, came over to England in the same vessel with myself. Captain Bullock came over to England in the first instance to contract for building the two vessels—the *Oreto*, now called the *Florida*, and the *Alabama*. He came so to contract for and in behalf of the southern confederacy, with the understanding that he was to have command of one of the vessels. I have heard him say so; and I have learned this also from the correspondence between him and Mr. Mallory, secretary of the confederate navy, as before mentioned, which passed through my hands.

At the commencement of my engagement with Captain Bullock I acted as his clerk. The contract for building the *Alabama* was made with Messrs. Laird, of Birkenhead, by Captain Bullock. I have seen it myself. I made a copy from the original. The copy was in the ship. It was signed by Captain Bullock, on the one part, and Messrs. Laird on the other. I made the copy at the instance of Captain Bullock from the original, which he has. The ship cost, in United States money, about two hundred and fifty-five thousand dollars. This included provisions, &c., enough for a voyage to the East Indies, which Messrs. Laird were, by the contract, to provide. The payments were all made before the vessel sailed, to the best of my belief. Sinclair, Hamilton & Co., of London, had money. Fraser, Trenholm & Co., of Liverpool, had money. There was government money in both their hands over here enough for the purpose of paying for them. I was over to see the *Alabama* before she was launched from Messrs. Laird's yard, and was on board the vessel with Captain Bullock, and have met Captain Bullock and one of the Messrs. Laird at Fraser, Trenholm & Co.'s office. Captain Bullock superintended the building of the *Alabama* and *Oreto* also whilst he was here. Captain Matthew J. Butcher was the captain who took her to sea. He is an Englishman, and represented himself belonging to the royal naval reserve.

At the time the *Alabama* was being built by Messrs. Laird, and when I saw

them at different times at their yard in Birkenhead, and at Fraser, Trenholm & Co.'s office, I have not the slightest doubt that they perfectly well knew that such steamer was being built for the southern confederacy, and that she was to be used in war against the government of the United States.

When the vessel sailed from Liverpool she had her shot-racks fitted in the usual places; she had sockets in her decks, and the pins fitted which held fast frames or carriages for the pivot-guns, and breaching bolts. These had been placed in by the builders of the vessel, Messrs. Laird & Co. She was also full of provisions and stores enough for four months' cruise. When she sailed she had beds, bedding, cooking utensils, and mess utensils for one hundred men, and powder-tanks fitted in.

We sailed from Liverpool on the 29th day of July, 1862. This was some three or four days sooner than we expected to sail. The reason for our sailing at this time, before we contemplated, was on account of information which we had received that proceedings were being commenced to stop the vessel from sailing. Captain Bullock sent Lieutenant Low to me on Sunday evening, the 27th day of July, to say that I must be at Fraser, Trenholm & Co.'s office early next morning. The next morning I arrived at half-past 9 o'clock. Captain Butcher came in and told me the ship (which at that time was called the 290, also Eurica,) would sail the next day, and he wanted me to go with him. In a few minutes Captain Bullock came in, and told me he wanted me to be ready to go to sea at a minute's notice; that they were going to send her right out. I placed my things on the vessel on that evening. There were about seventy or eighty men in the vessel at this time, under Captain Butcher, who had been in command of the vessel for more than a month before she sailed. I went on the vessel on the morning of the 29th of July for the purpose of sailing. We started out of the river Mersey at about half-past 10 o'clock. Captain Butcher commanded. Mr. Low acted as first mate; George Y. Fullam as second mate, and David Herbert Llewellyn as assistant surgeon.

Captain Bullock, Lieutenants North and Sinclair were on board; also, the two Messrs. Laird, Mr. A. E. Byrne, and five or six ladies, (including two Miss Lairds,) and some other gentlemen whom I do not know. When we sailed it was not our intention to return, but it was with the intention of going to sea, and so understood by us all. The ladies and passengers were taken on board as a blind.

After we got on board one of the Messrs. Laird who built the vessel came to me and gave me three hundred and twelve pounds in English gold. Captain Bullock came and asked me if Mr. Laird had given me the money; that he had some to give me, which I must put in the safe. I told him I had not received it, and went to Mr. Laird and got it. Laird counted it out for me, and I gave him a receipt for the amount. Mr. Laird gave me a number of bills and receipts at the same time, for things he had been purchasing for the vessel—beds, blankets, tinware, knives, forks, for the ship; all of which he (Mr. Laird) had purchased from various parties on account of the ship. My understanding was that the money given me was the balance of the money left after making these purchases. The bills and receipts which Mr. Laird gave me on this occasion, on account of the purchases he had made, were left on the ship, and were handed over by me to Francis L. Galt, who has succeeded me as paymaster on the ship.

There was a tug-boat in attendance when we left Liverpool on the 29th of July, in which the ladies and all the passengers left.

We ran down immediately for Maelfre bay, and lay there all that night, all the next day and next night, until 3 o'clock on Friday morning. I copied a letter of instructions from Captain Bullock to Captain Butcher, in which Captain Butcher was directed to proceed to Porto Praya, in Terceira, one of the Azores, where it was intended that we should go to receive the armament. I knew, and all the officers knew, before we went on board that this vessel had been

built for the purpose and was to go out with the intention of cruising and making war against the government and people of the United States. This, as I verily believe, was well known by the Messrs. Laird who built her and helped to fit her out, and by Fraser, Trenholm & Co., and by A. E. Byrne, of Liverpool, who also assisted in fitting her out, and by Captain Butcher and the other officers who sailed in her.

The next day after we left the tug-boat *Hercules* came to us from Liverpool about 3 o'clock. She brought to us Captain Bullock and S. G. Porter, (who for a time superintended the fitting the vessel,) and some two or three men. The men signed articles that night. They had signed articles before at various times while in Liverpool, but they all came up again and renewed the articles. The advance notes had been given them in Liverpool by Captain Butcher, and made payable at Cunard, Wilson & Co.'s. The original articles are now in Fraser, Trenholm & Co.'s office, but in possession of Captain Bullock, who transacts all his business and keeps all of his papers at Fraser, Trenholm & Co.'s.

I do not know the name of the man who acted as the shipping-master at Liverpool. Captain Bullock wrote a letter of instructions to me before we left Liverpool, directing me to circulate freely among the men, and induce them to go on the vessel after we got to Terceira. I accordingly did circulate among the men on our way out, and persuaded them to join the vessel after we should get to Terceira. Low did the same.

We sailed from Molfie bay at 3 o'clock on Friday morning. We went out through the Irish channel. Captain Bullock left us at the Giant's Causeway. We were some ten or eleven days going out to Terceira. We were in quarantine for three days at Porto Praya.

There was no transfer of the vessel or anything of the kind there. The bark *Agrippina*, from London, arrived there with a part of the armament, all the ammunition, all the clothing, and coals. She was commanded by Alexander McQueen. The first day after the arrival of the bark she was getting ready for discharging. This bark is owned by the confederate government, but is nominally held by Sinclair, Hamilton & Co., of London, and sails under the British flag. This firm are connected with the confederate government. Early the following day the bark *Agrippina* hauled alongside, and we commenced to take the guns on board. Two or three days after this the Bahama arrived with the officers. This steamer was in command of Captain Tessier. She also sailed under the British flag. The Bahama came in, and Captain Butcher went on board and received orders to sail to Angra.

The Bahama took the bark in tow, and we all went round to Angra. After we got there we were ordered away by the authorities. There was also some correspondence took place between Captain Butcher and the British consul at that place, but I never heard what it was. We went out and continued discharging and taking in all that day; and at night we and the bark run into the bay, the Bahama keeping outside. By this time we had got all the guns, ammunition, and cargo from the steamer and bark. During all this time the three vessels were sailing under the British flag. We finished coaling on Sunday, the 24th day of August, at about 1 o'clock. We received from the bark *Agrippina* four broadside guns, each 32-pounders, and two pivot guns—one 68-pounder solid shot gun and one 100-pounder rifled gun—100 barrels of gunpowder, a number of Enfield rifles, two cases of pistols, and cartridges for the same. All the clothing for the men was also received from the *Agrippina*, and the fuses, primers, signals, rockets, shot, shell, and other munitions of war needed by the ship; also, a quantity of coal.

We received from the Bahama two 32-pounder broadside guns, a bale of blue flannel for sailors' wear, and a fire-proof chest, with \$50,000 in English sovereigns and \$50,000 in bank bills.

Captain Butcher, or Mr. Low, the first mate, told me that Mr. M. G. Klingender had been directed to purchase, in Liverpool, where Mr. Klingender resides and does business as a merchant, such supplies of tobacco and liquor as were required for the ship's use. I made out the advance notes for the men at Liverpool on the 28th of July, 1862, while she was lying in the Birkenhead docks, which advance notes were made payable by Cunard, Wilson & Co. at Liverpool. The half-pay notes which I made out in Mollie bay on board the No. 290 were made payable at Liverpool by the aforesaid M. G. Klingender. After we a rived at Angra, and had armed the ship and were leaving that port to enter upon the cruise, we were still under the British flag. Captain Semmes then had all the men called aft on the quarter deck. The British flag was hauled down, and the confederate one raised. He then and there made a speech, read his commission to them as a commander in the confederate navy, told them the objects of the vessel and what she was about to do, mentioned to them what their proportion of prize money would be out of each \$100,000 worth of property captured and destroyed; said he had on board \$100,000, and asked them to go with him, at the same time appealing to them, as British sailors, to aid him in defending the side of the weak. I had two sets of articles prepared—one for men shipping for a limited time, the other for those willing to go during the war.

The articles were then re-signed while the vessel was in Portuguese waters, but under the confederate flag. This was on Sunday, the 24th August, 1862. At the same time Captain Semmes announced that the ship would be called the Confederate States vessel Alabama. The guns which were brought out to the No. 290 in the Agrippina and the Bahama were made and furnished by Fawcett, Preston & Co., of Liverpool. The ammunition and entire armament of the vessel, as well as all the outfit, were purchased in England.

The list hereunto annexed, marked A, contains a list of the names of all the officers on the Alabama when I left, except myself, and of all the men whom I can now remember. My belief is that we had eighty-four shipped men, inclusive of the firemen and coal trimmers, when we left Angra. All the men but three signed the articles for the period of the war. New half-pay notes were then drawn in favor of, and given to, the men. The half-pay notes entitled their families or friends to draw half of their pay on the first of every month. They were all payable by Fraser, Trenholm & Co., with whom the money for the purpose of meeting them was lodged. The first set of notes (payable at Cunard, Wilson & Co.'s) were in the form of the British marine service. The second set (payable at Fraser, Trenholm & Co.) were in the form used by the United States and confederate navy. Several of the men refused to sign, and returned in the Bahama to Liverpool. Captain Butcher and Captain Bullock also returned in the Bahama.

We then entered upon our cruise. Out of the eighty-four men I believe there were not more than ten or twelve Americans. There was one Spaniard, and all the rest were Englishmen. More than one-half of the Englishmen belonged to the royal naval reserve, as they informed me, and as was generally understood by all on board. Four at least of the officers were English—that is to say, John Low, fourth lieutenant; David Herbert Llewellyn, assistant surgeon; George T. Fullman, master's mate; and Henry Allcott, the sailmaker. I never remember at any time seeing any custom-house officer aboard this vessel. I remained aboard the vessel as paymaster from the time I joined her, as before stated, until the 25th day of January, 1863, at which time she was lying at Port Royal, Jamaica. During the whole time that I was on board her she was cruising and making war against the government and people of the United States. I cannot recollect the name of all the vessels which she captured; but I know that the number which we captured and destroyed up to the time I left her was at least twenty-three, and, as I believe, was more. Of these twenty-

three, four were released upon giving ransom bonds, payable to the confederate government.

Such four were the ship *Emily Farnham*, of New York, bound to Liverpool; the *Tonawanda*, of Philadelphia, bound for Liverpool; the brig *Baron de Castine*, bound for the West Indies; and the mail steamship *Ariel*, on the California line. All the rest were burned or destroyed.

The first port we went into after leaving the Western islands was Port Royal, Martinique, where we went to provision and coal. The bark *Agrippina* was lying with coals for us, being the same vessel as took out the armament. We did not provision or coal there, but we went out and afterwards met the *Agrippina* at the Island of Blanco, belonging to Venezuela. We only took in coal there. We then proceeded to the Arcas keys, near Yucatan Banks, where we lay about ten days; where we painted the ship and recoaled from the *Agrippina*, and gave the men a run on shore.

We thence steered for Galveston, where we destroyed the United States gunboat *Hatteras*, which was the last vessel we destroyed before I left her. As soon as we got the prisoners from the *Hatteras* on board we started straight for Jamaica, (Port Royal.) There we provisioned, coaled, and repaired ship. All the twenty-three ships which we had burned or destroyed had been so burned or destroyed in the interval between our leaving the Western islands and steering for Port Royal. I heard of no objection from the authorities in Jamaica to our repairing, coaling, or provisioning the ship in Port Royal; but, on the contrary, we were received with all courtesy and kindness. We were there about a week. Whilst we were there the English admiral at Port Royal paid a visit to Captain Semmes on board the *Alabama*. I was on shore on duty at the time of the visit; but I heard of such visit immediately upon my return to the ship, for it was the subject of much conversation and remark amongst the officers; and, in particular, I remember Mr. Sinclair, the master, speaking of it. I also know that Captain Semmes paid a return visit to the English admiral on the day that the *Alabama* left Port Royal. I myself saw him start for the purpose. My connexion with the ship terminated in Port Royal, and I subsequently came to England, where I arrived on 22d March, 1863.

CLARENCE R. YONGE.

Sworn at the judge's chambers, Rolls Gardens, Chancery lane, this 2d day of April, 1863, before me,

JOHN PAYNE, *Acting Commissioner, &c.*

A.

Officers and crew of the steamer Alabama.

Raphael Semmes, commander.

J. M. Kell, first lieutenant.

Richard F. Armstrong, second lieutenant.

Joseph Wilson, third lieutenant.

John Low, fourth lieutenant, Englishman. Sisters living in Liverpool. Made his allotments payable to brother-in-law, Charles Green, jr. Fraser, Trenholm & Co. pay the men all the allotments; that is, the half-monthly pay. Every month they draw this allotment.

Arthur Sinclair, master; that is, sailing master.

Francis L. Galt, surgeon, from Virginia. Now acting as paymaster.

Miles J. Freeman, first assistant engineer, ranks as chief; born in Wales Does not know whether naturalized.

David Herbert Llewellyn, assistant surgeon, Englishman.

B. K. Howell, brother-in-law of Jeff. Davis, lieutenant of marines. No marines on board.

Wm. U. Sinclair, midshipman.

Irvine S. Bullock, midshipman; Captain Bullock's brother.

Eugene Maffitt, midshipman; Captain Maffitt's son.

Edward Maffitt Anderson, midshipman; son of Colonel Anderson.

William P. Brooks, second assistant engineer.

S. W. Cummings, third assistant engineer.

Matthew O'Brien, third assistant engineer.

John M. Pundt, third assistant engineer.

George F. Fullam, first master's mate, Englishman. Father teaches navigation school in Hull.

James Evans, second master's mate, Charleston pilot.

William B. Smith, captain's clerk.

Benjamin L. McCaskey, boatswain.

T. C. Cuddy, gunner.

William Robinson, carpenter.

Henry Allcott, sailmaker, Englishman.

Petty officers and seamen.

James King, master-at-arms, Savannah pilot.

Adolphus Marmelstein, signal quartermaster, Savannah pilot.

William A. King, quartermaster, Savannah pilot.

James G. Dent, quartermaster, Savannah pilot.

William Forestall, quartermaster.

Ralph Masters, quarter gunner.

William Crawford, quarter gunner, royal naval reserve of England.

George Addison, armorer.

William Rinton, carpenter's mate, Englishman.

Edward Rawes, ship's carpenter, Englishman.

George Harwood, chief boatswain's mate, English reserve. English government pay him a pension. Time up February 24, 1863, (as he states.)

Michael Genshied, fireman; has a pension in England; (has been discharged November 25, 1862.) Irishman.

Brent Johnson, second boatswain's mate, English reserve.

William Purdy, sailmaker's mate, Englishman.

John Latham, fireman, Englishman.

David Roach, fireman, Englishman.

Thomas Murphy, fireman, Englishman.

John McAlee, ordinary seaman, Englishman.

Thomas Welsh, ordinary seaman, Englishman.

James Smith, captain fore-castle, Englishman.

Edward Fitz-Morris, ordinary seaman, Englishman.

George Edgerton, fireman, Englishman; lives at Liverpool.

James McFaden, fireman, Englishman; time up February 24, 1863.

William Robinson, able seaman, Englishman.

Martin Malk, able seaman, Englishman.

George Yoman, ordinary seaman, Englishman.

William McGinley, able seaman, Englishman.

George Freemantle, able seaman, Englishman.

Frederick Johns, purser's steward, Englishman; father lives at Ostend.

John Grady, boy, Englishman; uncle lives at 56 Regent street, Liverpool; bootmaker.

Thomas Weir, gunner's mate, Englishman.

James Brosner, able seaman, Englishman.

Edgar Tripp, seaman, Englishman.
 John Neil, seaman, Englishman.
 Joseph Neil, seaman, Englishman.
 Samuel Henry, seaman, Englishman.
 John Roberts, seaman, Englishman.
 John Duggan, seaman, Englishman.
 Martin King, seaman, Englishman.
 F. Williams, seaman, Englishman.
 R. Williams, seaman, Englishman.
 Joseph Pearson, seaman, Englishman.
 Joseph Connor, seaman, Englishman.
 Thomas McMillan, seaman, Englishman.
 Michael Mars, seaman, Englishman.
 Robert Egan, boy, Englishman.
 Malcolm McFarlan, seaman, Englishman.
 Peter Henry, seaman, Englishman.
 Charles Godwin, seaman, American.
 James Higgs, captain of hold, Englishman.
 Peter Duacan, fireman, Englishman.
 Richard Parkinson, ward-room steward, Englishman.
 George Appleby, yeoman, Englishman.
 John Emory, seaman, Englishman.
 William Hearn, seaman, Englishman.
 Thomas L. Parker, boy, Englishman.
 A. G. Bartelli, captain's steward, American.
 Peter Hughes, seaman, American.
 Henry Fisher, seaman, Englishman, belonging to reserve.
 Frank Townsend, seaman, Englishman.
 Frank Cunen, fireman, Irishman.
 William Levins, coal trimmer.

There are now several men on board of the Alabama who have joined the ship since we entered upon the cruise, some of whom are Americans.

CLARENCE R. YONGE.

This is the list marked A, referred to in the affidavit of Clarence Randolph Yonge, sworn this 2d day of April, 1863, before me.

JOHN PAYNE, *Acting Commissioner, &c.*

Mr. Adams to Mr. Seward.

No. 366.]

LEGATION OF THE UNITED STATES,

London, April 7, 1863.

SIR: I send this note out of the ordinary course, merely to let you know, in advance of my regular despatches, that on Sunday last, the 5th inst., I received a note from Lord Russell apprising me that, with reference to my letter of the 30th ult., orders had been sent to Liverpool for the seizure of the Alexandra. She was accordingly taken possession of on Sunday, as appears by notices in all the morning journals.

Copies of the notes that have passed will be forwarded, in regular course, on Saturday. I think we may infer from this act that the government is really disposed to maintain its neutrality. I rejoice at this symptom of a disposition to defeat the machinations of those who hope to relieve the rebels by the crea-

tion of a diversion from this side. The manner in which their sympathizing newspapers notice the event betrays the bitterness of their disappointment.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WM. H. SEWARD,

Secretary of State, Washington, D. C.

THE SEIZURE OF THE PETERHOFF.

The following reply has been received from the foreign office by the owner of one of the British vessels recently captured by the federal cruisers :

FOREIGN OFFICE, *April 3, 1863.*

SIR: I am now directed by Earl Russell to make you acquainted with the conclusion at which, having considered, in communication with the law officers of the crown, your letter of the 26th of March, requesting to be informed in regard to the right of British vessels to trade with Matamoras, her Majesty's government have arrived.

The government of the United States has clearly no right to seize British vessels *bona fide* bound from this country, or from any other British possession, to the ports of Vera Cruz or Matamoras, or either of them, or *vice versa*, unless such vessels attempt to touch at, or having an intermediate or contingent destination to, some blockaded port or place, or are carriers of contraband of war, destined for the Confederate States; and in any admitted case of such unlawful capture, her Majesty's government would feel it their duty promptly to interfere, with a view to obtain the immediate restitution of the ship and cargo, with full compensation, and without the delay of proceedings in a prize court. Her Majesty's government, however, cannot, without violating the rules of international law, claim for British vessels navigating between Great Britain and these places any general exemption from the belligerent right of visitation by the cruisers of the United States, nor can they proceed upon any general assumption that such vessels may not so act as to render their capture lawful and justifiable. Nothing is more common than for those who contemplate a breach of blockade, or the carriage of contraband, to disguise their purpose by a simulated destination, and by deceptive papers; and the situation of the ports on the coast of Mexico with reference to the Confederate States is such as to make it not only possible, but in many cases probable, that an ostensible Mexican destination would be resorted to as a cover for objects which would really justify capture. It has already happened in many cases that British vessels have been seized while engaged in voyages apparently lawful, which vessels have afterwards been proved in the prize courts to have been really guilty of endeavoring to break the blockade, or of carrying contraband to the confederates.

It is the right of the belligerents to capture all vessels reasonably suspected of either of these transgressions of international law, and whenever any such case of capture is alleged, the case cannot be withdrawn from the consideration of the prize court of the captor. After the case has undergone investigation, it is the duty of the prize court to restore any such prizes unlawfully made, with costs and damages, and the proper time for the interference of her Majesty's government is, in general, when the prize courts have refused redress for a capture which the evidence shows to have been unjustifiable.

Her Majesty's government cannot, upon *ex parte* statements, deny the bel-

ligerents in this war the exercise of those rights which, in all wars in which Great Britain has been concerned, she had claimed herself to exercise.

I am, &c.,

E. HAMMOND.

— GOURLAY, Esq., &c.

THE SEIZURE OF THE MAGICIENNE.

Mr. Samuel Baker, of Liverpool, the owner of the *Magicienne*, has received the following despatch from the foreign office :

FOREIGN OFFICE, *April 3.*

GENTLEMEN: I am directed by Earl Russell to acquaint you, in reply to your letter of the 23d ult., that her Majesty's minister at Washington will be instructed to apply to the government of the United States for full compensation to the parties interested in the *Magicienne*.

I am, gentlemen, your obedient servant,

E. HAMMOND.

Messrs. BAKER.

This vessel was seized on her voyage to Matamoros by a federal cruiser, and was sent to Key West, where she was released.

SEIZURE OF A CONFEDERATE GUNBOAT IN THE MERSEY.

LIVERPOOL, *Monday.*

Considerable excitement was caused in this port to-day on the fact becoming known that a gunboat, intended for the confederate government, had been seized by the order of the government authorities here. It had been well known for some weeks past that one gunboat, if not more, was being fitted out in some of the minor docks, and those employed about made no secret of the destination for which they were intended. On the facts coming to the knowledge of Mr. Dudley, the United States consul at Liverpool, he at once communicated with the American minister in London, and the result was that inquiries were at once instituted into the whole of the proceedings bearing upon the building of the vessels seized. These inquiries appear to have been so far successful that the British government sent down orders to seize the vessel, and at an early hour yesterday morning Mr. E. Morgan, one of the custom surveyors, went on board the *Alexandra*, (that being, like "290," the first christening of the gunboat, as, no doubt, had she got clean off, she would have undergone a re-christening,) and took possession of her. The vessel was at once examined, and it was found that she was armed with one very heavy gun; while another gun, unmounted, was discovered on board. The *Alexandra* is a wooden screw-steamer of about 120 tons, and a very fine model. She was built by Messrs. Miller & Co., of the South-end, for Messrs. Frazer, Trenholm & Co., of Liverpool, the "depositaries" in Liverpool (in conjunction with Mr. James Spence) of the confederate government. At the time the vessel was seized she was lying in the Toxteth dock, a quiet, out-of-the-way place. An iron ship-building firm, near to the builders of the *Alexandra*, have a large iron gunboat, of about 1,200 tons, on the stocks for the confederate government; but it is now stated that our gov-

ernment has issued instructions to the officials here that in all cases where there is the slightest suspicion that ships are being built here other than for neutral powers, they are to seize such vessels, and await the decisions of the legal authorities.

4.20 P. M.

Since writing the above, we have heard that, although there was every appearance of fittings up for guns, there were actually no guns on board the *Alexandra*. The vessel, however, is now in charge of government officials, and no doubt the investigation which is to take place will elucidate whether there were guns on board or not. The excitement amongst the gentlemen of southern proclivities is very great.

Mr. Seward to Mr. Adams.

No. 540.]

DEPARTMENT OF STATE,
Washington, April 7, 1863.

SIR: The Canada's mails have just been laid before me at the hour of sending my despatches to Europe.

The consideration of your communication is reserved.

The healthful reaction of opinion here is continued.

The uneasiness in the country, resulting from the toleration of hostile naval preparations in Great Britain increases, and seems to portend difficulties which will require the exercise of great discretion by both governments. Applications for letters of marque and reprisal to insure the success of the naval operations against the insurgents are coming in, and the question of the propriety of granting them is fixing the public attention.

The public journals which will go out with the steamer have even later information of military and naval movements than any which has directly reached the proper departments of the government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 367.]

LEGATION OF THE UNITED STATES,
London, April 8, 1863.

SIR: I send by this steamer, copies of two notes written to-day.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WM. H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Mr. Adams to Earl Russell, about the Japan, at the island of Alderney, arming, April 8.

2. Mr. Hammond's reply, (private,) April 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 8, 1863.

MY LORD: From information received at this legation, which appears entitled to credit, I am compelled to the painful conclusion that a steam vessel has just departed from the Clyde with the intent to depredate on the commerce of the people of the United States. She passed there under the name of the *Japan*, but is since believed to have assumed the name of the *Virginia*. Her immediate destination is the island of Alderney, where it is supposed she may yet be at this moment. A small steamer called the *Allar*, belonging to New Haven, and commanded by Henry P. Maples, has been loaded with a large supply of guns, shells, shot, powder, &c., &c., and is either on the way, or has arrived there. It is further alleged that a considerable number of British subjects have been enlisted at Liverpool, and sent to serve on board this cruiser.

Should it be yet in the power of her Majesty's government to institute some inquiry into the nature of these proceedings in season to establish their character if innocent, or to put a stop to them if criminal, I feel sure that it would be removing a heavy burden of anxiety from the minds of my countrymen in the United States.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Hammond to Mr. Adams.

F. O., April 8, 1863.

MY DEAR SIR: I found your immediate letter on my arrival at the office at 12 45, and as your mail goes, I believe, to-day, you may like to know at once that within half an hour from that time it was sent to the home office, within whose particular jurisdiction are the Channel islands.

A copy will also be sent to the treasury as soon as it can be made.

You shall have an official acknowledgment of your letter as soon as I can get Lord Russell's signature; but he is out of town.

Very respectfully, yours,

E. HAMMOND.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 542.]

DEPARTMENT OF STATE,
Washington, April 8, 1863.

SIR: I transmit a copy of a memorial addressed to the President of the United States by the president and secretary of the Panama Railroad Company, complaining of the destruction of the bark *Golden Rule*, belonging to that company, by the steamer *Alabama*, built and armed, and perhaps manned, in England.

You will present the case to Earl Russell, with a note setting forth that this government regards that of her Britannic Majesty accountable in this as in other similar cases.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 368.]

LEGATION OF THE UNITED STATES,

London, April 9, 1863.

SIR: I have received despatches from the department, numbered from 519 to 523, inclusive.

In my brief despatch No. 366, written two days ago, and sent out of the ordinary course, I referred to certain notes which had passed between Lord Russell and myself, and to the detention of the *Alexandra*, for an investigation. I now transmit a copy of my note of the 4th instant, conveying a copy of Mr. Yonge's deposition, the same that was forwarded by me with my No. 364, sent last week; also a copy of his lordship's reply, on the 5th instant, announcing the detention of the *Alexandra* on Sunday, and requesting me to instruct Mr. Dudley to aid in the investigation of the facts; a copy of my reply on the 6th instant; and lastly, a copy of my note to Mr. Dudley of the same date giving him the desired instructions.

Since that time nothing has been heard of the result of the investigations. A rumor was current yesterday that the law officers of the crown had reported that no case was made out. If such be really the fact it is probable that I shall be informed of it in season to let you know by the present opportunity. In the meanwhile Mr. Dudley has written to me that his legal advisers are prepared to proceed, if necessary, by information on the part of the government in the courts, and has urged me to call upon Lord Russell to know whether such a course would, in any way, come in conflict with that proposed by the British government. Unwilling to leave any stone unturned in this business, I have this morning addressed a note to his lordship on this subject, a copy of which is likewise forwarded.

This brings down the history of the *Alexandra* to the present moment.

The next subject of correspondence between us has been the case of the *Sumter*. It should be noticed in this connexion that no answer has been made to my note of the 16th of February, a copy of which was sent to you with my No. 333. But his lordship chose to begin as if, *de novo*, by a spontaneous assurance, that that vessel had been closely watched, and that there seemed no reason to believe in any preparation for her early departure. A copy of his note of the 4th instant is subjoined to this despatch, together with a copy of my reply on the 6th instant. I still remain of the opinion that Mr. Dudley's information is more accurate than his lordship's, and that that vessel is ready to go as soon as she can slip away.

Lastly, comes the case of the *Japan*, *alias* the *Virginia*. I have been long in the possession of information about the construction and outfit of that vessel on the Clyde, but nothing has ever been furnished me of a nature to base proceedings upon. Learning, however, that she had gone to the island of Alderney to take her armament there, I made up my mind to send notice of it to the British government, and leave it to them to act in the case as they might think fit. Copies of my note of yesterday, and of Mr. Hammond's private note, promptly acknowledging it, have been sent to you, out of course, already, with my No.

367. I now transmit a copy of Lord Russell's more formal acknowledgment received last evening. I have reason to believe that for some cause or other the steamer Allar did not go so soon as I had supposed. This will create a delay at the place of rendezvous which may enable us to do something more effective.

I am glad to learn that the Georgiana was driven ashore, and I hope the statement that she was destroyed is true. The accounts received from Nassau of her condition, both on arrival and departure, prove the correctness of the representations of her character made by me to this government. I mention this the more that Lord Russell has, upon one occasion since, alluded to the subject in a manner to show that he thought I had been for that time deceived.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

[Enclosures.]

1. Mr. Adams to Lord Russell, with Mr. Yonge's deposition, dated April 4, 1863.
2. Lord Russell to Mr. Adams, announcing the arrest of the Alexandra, April 5, 1863.
3. Mr. Adams to Lord Russell, April 6, 1863.
4. Mr. Adams to Mr. Dudley, April 6, 1863.
5. Mr. Adams to Lord Russell, April 9, 1863.
6. Lord Russell to Mr. Adams about the Sumter, dated April 4, 1863.
7. Mr. Adams to Lord Russell, in reply, April 6, 1863.
8. Lord Russell to Mr. Adams, on the Japan at Alderney, April 8, 1863.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, April 4, 1863.

MY LORD: I have the honor to submit to your consideration the copy of an affidavit, voluntarily made by Clarence R. Yonge, being, in the nature of cumulative evidence, to show the execution of a deliberate plan to establish within the limits of this kingdom a system of action in direct hostility to the government of the United States. This appears to corroborate in all essential particulars the evidence heretofore adduced from other quarters. I append the copy of a paper, marked A, showing the extent to which her Majesty's subjects, many of them alleged to belong to the naval reserve, have been enlisted in a single example of illegal enterprise.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April 5, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, enclosing a deposition made by a person named Yonge, respecting the Alabama and her proceedings.

I have, at the same time, the honor to acquaint you with reference to your letter of the 30th ultimo, and to mine of the following day, that orders have been sent to Liverpool for the seizure of the *Alexandra*, the vessel to which you called my attention, as intended to be employed in the naval service of the so-called Confederate States.

I have, accordingly, to request that you will have the goodness forthwith to instruct the United States consul at Liverpool to place at the disposal of the persons who may be employed in collecting evidence on the part of the crown all such information as he may now possess, or may hereafter acquire, leading to establish the guilt of the parties concerned in the *Alexandra*, against whom proceedings may be taken under the foreign enlistment act.

I have the honor to be, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, April 6, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 5th instant, in answer to mine of the 30th ultimo, making certain representations in regard to the character of a vessel in Liverpool known as the *Alexandra*. It is with the most lively satisfaction that I learn the decision of her Majesty's government to detain that vessel. Believing that such an act, at the present moment, is calculated to defeat the sanguine hopes of the common enemies of both nations, to sow the seeds of dissension among them, I shall remit no effort to procure all the information possible to support it. To that end I have, agreeably to your lordship's suggestion, sent the necessary instructions to the consul of the United States at Liverpool to put himself in communication with the authorities designated at that place to pursue the subject.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Dudley.

LEGATION OF THE UNITED STATES,

London, April 6, 1863.

SIR: I yesterday received a note from Lord Russell, in answer to my representation concerning the *Alexandra*, of the 30th ultimo, announcing that orders had been sent to Liverpool for the seizure of that vessel. It ends with the following paragraph, to which I ask your immediate attention. I do not doubt that you will remit no exertion to obtain evidence in aid of this first effort of her Majesty's government to obtain the condemnation of one of these vessels. The moral effect of such a result could not fail to be great on both sides of the ocean:

"I have, accordingly, to request that you will have the goodness forthwith to instruct the United States consul at Liverpool to place at the disposal of the persons who may be employed in collecting evidence on the part of the crown

all such information as he may now possess, or may hereafter acquire, tending to establish the guilt of parties concerned in the *Alexandra*, against whom proceedings may be taken under the foreign enlistment act."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

THOS. H. DUDLEY, Esq.,

United States Consul, Liverpool.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, April 9, 1863.

MY LORD: Having received an opinion from eminent counsel that the evidence in the case of the *Alexandra* is sufficient to sustain proceedings for condemnation, under the 6th section of the enlistment law, I pray your lordship to have the kindness to inform me whether the measures thus far adopted, or intended on the part of her Majesty's government in that case, would be, in any way, deranged by simultaneous action on the part of the United States in a different form. Should no inconvenience be apprehended, I am informed by the lawyers that they are ready to proceed.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April 4, 1863.*

SIR: My attention having been drawn to a paragraph which appeared in the "Daily News," of the 17th ultimo, in which, under the head of "confederate war vessels," is included the *Sumter*, now called the *Gibraltar*, as having been thoroughly repaired at Birkenhead, and being ready for sea, I deemed it advisable at once to request the proper authorities to cause particular attention to be paid to this vessel.

I have now the honor to acquaint you that it appears from a report which has been received from the collector of customs at Liverpool, and which has been communicated to me, the lords commissioners of her Majesty's treasury, that, since the arrival of the *Sumter* at that port on the 13th of February last, she has been carefully watched by the custom-house officer and that, although the vessel has received some repairs, nothing has taken place regarding her of a suspicious character.

The *Sumter* appears to be laid up in the upper part of the great float at Birkenhead, and there seems to be no sign of her being at present intended for sea.

I have the honor to add that the authorities at Liverpool are instructed to continue to observe this vessel, and to report, without delay, any circumstances of an unusual character which may happen to take place with regard to her.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Russell.

LEGATION OF THE UNITED STATES,

London, April 6, 1863.

MY LORD: I have had the honor to receive your note of the 4th instant, in reference to a paragraph which appeared in the Daily News of the 17th ultimo, respecting the immediate preparation of the Sumter for departure from the port of Liverpool. I must confess that the information received by me from Liverpool from wholly independent sources had led me to believe the newspaper statement to be true. It is, however, with very great satisfaction I receive the contradiction of it from your lordship, as well as the assurance that the movements of that vessel are under the observation of her Majesty's government. I am the more led to indulge this that the notice appears to have been spontaneously furnished to me, with a degree of courtesy which I should be wanting in my duty if I were to fail properly to appreciate.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April 8, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, acquainting me that you had reason to suppose that a steam-vessel, named the Japan, or the Virginia, has just left the Clyde for Alderney, where she is expected to receive on board an armament brought to the island for her by a small steamer, the Allar, and a considerable number of British subjects who have been enlisted to serve on board of her; and having done this, to proceed and depredate on the commerce of the United States.

I have to state to you, in reply, that copies of your letter were sent, without loss of time, to the home department and to the board of treasury, with a request that an immediate inquiry might be made into the circumstances stated in it, and that if the result should prove your suspicions to be well founded the most effectual measures might be taken which the law admits of for defeating any such attempts to fit out a belligerent vessel from a British port.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 369.]

LEGATION OF THE UNITED STATES,

London, April 9, 1863.

SIR: Lord Russell has thought it expedient to renew the correspondence about the intercepted despatches in a note of the 2d of April, a copy of which I send herewith,

* * * * *
 A copy of my reply, dated the 6th instant, is appended.
 * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

[Enclosures.]

1. Lord Russell to Mr. Adams, April 2, 1863.
2. Mr. Adams to Lord Russell, in reply thereto, April 6, 1863.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April 2, 1863.*

SIR: Her Majesty's government have not failed to consider, with the attention it deserved, the letter which you addressed to me on the 14th ultimo, in reply to my letter of the 9th ultimo, on the subject of the intercepted correspondence which you had alleged went to show a deliberate attempt to establish within the limits of the United Kingdom a system of action in direct hostility to the government of the United States.

I have now the honor to observe to you that, while you withhold your acquiescence in the opinion expressed by me of that correspondence, and state that you shall transmit a copy of my note, with profound regret, to your government, you nevertheless do not controvert the principal positions assumed in that note.

You do not deny, first, that it is lawful for her Majesty's subjects to lend money on securities, or otherwise, to either belligerent, or, secondly, that it is also lawful to sell, to either belligerent, munitions of war.

Upon this subject I beg to call to your notice that no longer ago than the 20th of last November, in answer to the remonstrance of Mexico against an alleged organized system in the United States of aiding France in the war in which she is engaged with that republic, but in which the United States are neutral, Mr. Seward replied by this, among other citations:

(Mr. Webster to Mr. Thompson.)

"As to advances, loans, or donations of money to the government of Texas, or its citizens, the Mexican government hardly needs to be informed that there is nothing unlawful in this, so long as Texas is at peace with the United States, and that there are things which no government undertakes to restrain."

You are, without doubt, perfectly aware that many decisions of tribunals in the United States fully establish that a like exposition of the law as to munitions of war and the sale of armed vessels has been always maintained in the United States when they were neutrals.

You do not state that the information which you have communicated to me, as to alleged contracts for constructing war steamers, or the proposed establishment of naval officers to superintend them, would be sufficient to found a criminal prosecution in the United States; you are probably aware that it would not suffice for that purpose and there is, therefore, no reason why you should complain of my statement that the information which you had furnished would not suffice for the like purpose in England.

You are not ignorant that agents have been employed, and munitions of war have been purchased, and that it is now again asserted that her Majesty's sub-

jects are being recruited for the purpose of aiding the United States against the so-called Confederate States, and so far it might be urged in vague and popular language by the Confederate States as well as by the United States as the other belligerent (as it was substantially urged by Mexico against the United States last year) "that there is evidence of a deliberate attempt to establish within the limits of this kingdom a system of action in direct hostility to their government;" but the question really is, has there been any act done in England both contrary to the obligations of neutrality as recognized by Great Britain and the United States, and capable of being made the subject of a criminal prosecution? I can only repeat that in the opinion of her Majesty's government no such act is specified in the papers which you have submitted to me.

I, however, willingly assure you that in view of the statements contained in the intercepted correspondence her Majesty's government have renewed the instructions already given to the custom-house authorities of the several British ports where ships-of-war may be constructed, and by the secretary of state for the home department to various authorities with whom he is in communication, to endeavor to discover and obtain legal evidence of any violation of the foreign enlistment act, with a view to the strict enforcement of that statute whenever it can really be shown to be infringed; and her Majesty's government would be obliged to you to communicate to them, or to the local authorities at the several ports, any evidence of illegal acts which may from time to time become known to you.

I have referred, generally, to the judicial decisions of the United States on this subject; but it would be as well that I should mention, specially, two of these decisions, selected out of many, both upon the general question and upon the particular case of the sale of ships-of-war by the subjects of a neutral to a belligerent State.

The first decision is that of the eminent Judge Story, given, it may be well to observe, in a case in which the recognition of the Spanish American republics was directly concerned. After admitting that the capture had been made by an United States ship, built in the United States, originally owned in the United States, Judge Story proceeds to say: "The question as to the original illegal armament and outfit of the Independence may be dismissed in a few words; it is apparent that, though *equipped as a vessel-of-war*, she was sent out to Buenos Ayres on a commercial adventure, *contraband indeed, but in no shape violating our laws or our national neutrality*. If captured by a Spanish ship-of-war, during the voyage, she would have been justly condemnable as good prize for being engaged in a traffic prohibited by the law of nations. But there is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation."

This is a case illustrating the law and practice of the United States while neutral in the war between Spain and her colonies.

The next case (historically the first) illustrates the law and practice of the United States while neutral in the war between Great Britain and France. It is so short that I beg leave to cite it verbatim and at length, as given in Curtis's reports of decisions in the Supreme Court of the United States, volume 1, pages 234, 235, "*Moodie vs. the ship Alfred*."

"It is not a violation of the neutrality laws of the United States to sell to a foreigner a vessel built in this country, though suited to be a privateer, and having some equipments calculated for war, but frequently used by merchant ships. The allegation in this case, as supported by the evidence, was that the privateer which took the British prize in question had been built in New York, with the express view of being employed as a privateer, in case the then existing controversy between Great Britain and the United States should terminate

in war; that some of her equipments were calculated for war, though they were also frequently used for merchant ships; that the privateer was sent to Charleston, where she was sold to a French citizen; that she was carried by him to a French island, where she was completely armed and equipped, and furnished with a commission; that she afterwards sailed on a cruise, during which the prize was taken and sent into Charleston." Reed, for the plaintiffs in error, contended that this was an original construction or outfit of a vessel for the purpose of war; and that if it was tolerated as legal it would be easy, by collusion, to subvert the neutrality of the United States and involve the country in a war.

"The court, however, without hearing the opposite counsel, directed the decree to be affirmed."

It seems clear, on the principle enunciated in these authorities, that, except on the ground of any proved violation of the foreign enlistment act, her Majesty's government cannot interfere with commercial dealings between British subjects and the so-styled Confederate States, whether the subject of these dealings be money or contraband goods, or even ships adapted for warlike purposes.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 6, 1863.

MY LORD: I have had the honor to receive your note of the 2d instant, in reply to mine of the 14th of last month, on the subject of the intercepted correspondence, submitted to your lordship's consideration some time since, which, as I alleged, "went to show a deliberate attempt to establish within the limits of the United Kingdom a system of action in direct hostility to the government of the United States."

Your lordship is pleased to observe that I do not controvert the principal positions assumed in your note, to wit: 1st. "That it is lawful for her Majesty's subjects to lend money on security or otherwise to either belligerent. 2d. That it is lawful to sell to either belligerent munitions of war." And thereupon your lordship is pleased to call my attention to several citations from eminent authorities in the United States, judicial and otherwise, to establish these positions, just the same as if I had controverted them.

Nevertheless, I have given to all the passages presented by your lordship the same profound attention which I habitually pay to everything from the same source. I cannot, however, perceive that they have any effect in disturbing the positions which have been heretofore assumed by myself. The sale and transfer, by a neutral, of arms, of munitions of war, and even of vessels-of-war, to a belligerent country, not subject to blockade at the time, *as a purely commercial transaction*, is decided by these authorities not to be unlawful. They go not a step further, and precisely to that extent I have myself taken no exception to the doctrine.

But the case is changed when a belligerent is shown to be taking measures to establish a system of operations in a neutral country, with the intent to carry on a war from its ports, much in the same way that it would do, if it could, from its own territory, when it appoints agents, residing in that country, for the pur-

pose of borrowing money *to be applied to the fitting out of hostile armaments*, in those very ports, and when it appoints and sends out agents to superintend in those ports the constructing, equipping, and arming ships-of-war, as well as the enlisting of the subjects of the neutral country, to issue forth for the purpose of carrying on hostilities on the ocean.

These are the points to which I desire to call your lordship's attention in the intercepted despatches. I affirmed that they *went to show* a system of operations to the extent thus designated. I did not affirm that they absolutely proved the fact. But I did mean to be understood as affirming them to furnish strong corroborative evidence to sustain all the other proofs which I have been in the practice of laying before your lordship for a long time past, of the abuses made of her Majesty's neutral territory, for the conduct of the war directly from her ports, without the intervention of time even for the vessels to gain the semblance of a national character.

Had your lordship been pleased to continue your reading of the decision by the United States court in the case of the *Independencia* and *Attrarida* some pages further than the passage to which you have done me the honor to draw my attention, you would have been able fully to comprehend the spirit in which the eminent judge who pronounced the decree construed the obligations of the United States as a neutral power. He condemned the outfit of these vessels precisely for the reason above assigned.

Neither is that case the only or the most significant expression of the duties incumbent on the government of the United States towards nations with which it is in amity in a similar emergency. Since your lordship is pleased to accord so much weight to the decisions of the courts, I would respectfully solicit your attention to the case of the United States against John D. Quincy, (6 Peters's Reports, pp. 445—465,) as giving a full construction of the powers given to it for the protection of foreign countries by the enlistment law. So far as I may be permitted to express an opinion, it clearly embraces within its scope the objects and purposes declared in the intercepted despatches.

But I must pray your lordship's pardon for thus encroaching on your valuable time with any further discussion of these points. In doing so I am conscious of having varied from the intentions heretofore expressed of abstaining from it, unless prompted by the authority of instructions. I shall do myself the honor to transmit to my government a copy of your note, and I entertain no doubt that it will receive with satisfaction the assurance your lordship is pleased to give of a determination of her Majesty's government, "in view of the statements contained in the intercepted correspondence," to endeavor to discover and obtain legal evidence of any violation of the enlistment act, with a view to the strict enforcement of it, whenever it can really be shown to be infringed. I trust I need not add the assurance that all the efforts of myself, as well as of the various officers of my government within this kingdom, will be at the service of the local authorities at the several ports in prosecuting these investigations.

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 370.]

LEGATION OF THE UNITED STATES,
London, April 9, 1863.

SIR: I have the honor to transmit copies of three notes which passed between Lord Russell and myself, in continuation of the correspondence referred to in my despatch No. 362, of the 3d instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, about Phantom and Southerner, April 3, 1863.
2. Same to same, about Alexandra, April 3, 1863.
3. Mr. Adams to Lord Russell, April 6, 1863.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 3, 1863.*

SIR: Since the date of my letter of the 27th ultimo I have received from the board of the treasury a report made by the commissioners of customs, under date of the 31st ultimo, and from the secretary of state for the home department a report from the mayor of Liverpool, bearing the same date, containing the result of the inquiries made by them in regard to the vessels Phantom and Southerner, denounced by you in your letter of the 26th ultimo as intended for the naval service of the so-called Confederate States.

It appears from the first of these reports that the Phantom was built at the yard of Mr. W. C. Miller, and is now in the Clarence graving-dock. Her length is 193 feet; her breadth 22 feet; her depth 12 feet; her gross tonnage 321, and her probable register tonnage 160.

From the considerable space devoted to her engines, and from her model, there seems to be no doubt a high rate of speed will be obtained; and from her light draught of water she is well adapted for running the blockade; but as she has steel plates only half an inch thick, and as the angle irons which compose the deck beams are only 5 by 3½ inches thick, and as, moreover, she has no ports except for water-way, (three in all,) and a hurricane house on deck, the surveyor of customs considers that she is not intended to carry guns, and that she is not fit for a privateer.

The mayor of Liverpool reports that the Phantom was launched on the 21st of March from the yard of Messrs. Miller & Co., and that her engines are being made and fitted by Messrs. Fawcett, Preston & Co., of Liverpool; that she is in an unfinished state, and not expected to proceed to sea under a fortnight or three weeks. No distinct information could be obtained as to what she is intended for, but a strong impression exists that she is destined for the purpose of running the blockade.

The Southerner has not yet arrived at Liverpool.

A strict watch will be kept as regards both these vessels.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *April 3, 1863.*

SIR: With reference to my letter of the 31st ultimo I have the honor to inform you that the secretary of state for the home department has instructed the mayor of Liverpool to cause immediate inquiries to be made with the view of ascertaining whether the *Alexandra*, denounced by you in your letter of the 30th ultimo, is being equipped, furnished, fitted out, or armed, with the intention of her being employed in the service of the so-called Confederate States, with intent to commit hostilities against the federal government of the United States; and, if this should appear to be the case, the mayor is further instructed to adopt whatever steps can legally be taken in the matter.

I have the honor to be, &c., &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 6, 1863.

MY LORD: I have the honor to acknowledge the reception of notes from your lordship, dated the 27th and 31st of March, and two on the 3d of April, in reply to certain representations of mine, concerning vessels believed to be in preparation at Liverpool for the carrying on of hostilities at sea against the commerce of the United States. It is a source of great satisfaction to me to recognize the readiness which her Majesty's government has thus manifested to make the investigations desired, as well as to receive the assurances of its determination to maintain a close observation of future movements, of an unusual character, that justify suspicions of any evil intent.

I pray, your lordship, to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extracts.]

No. 545.]

DEPARTMENT OF STATE,

Washington, April 10, 1863.

SIR: It is thought expedient that the most direct and energetic measures should be adopted to arrest by judicial proceedings the clearance and departure of the hostile vessels which are being built, equipped, and manned in the ports of Great Britain. You will therefore sanction and authorize such prosecutions whenever, upon legal advice, it shall seem expedient.

* * * * *

This government has heard with surprise and regret that a loan has been made in London to the insurgents, with conditions of security and payment openly hostile to the United States, and it has good reason for assuming that most or all of the moneys thus loaned are paid to British subjects residing in Great Britain for advances in money, labor, arms, military stores, and supplies

used in the fitting out of those hostile expeditions, in violation of the Queen's proclamation and of the enlistment acts of Great Britain, as well as of treaties and the law of nations. The President does not for a moment believe that her Majesty's government have lent or will lend any sanction or approval to these proceedings of her Majesty's subjects; but he regrets that he is unable to perceive that any part of those transactions, so inimical to the United States, and apparently so universally known in Great Britain, have arrested the attention of her Majesty's government, or encountered any opposition, or even any manifestation of its disapprobation or censure.

The loan made by European capitalists is a direct engagement with the armed insurgents who have assumed to control, supply, and deliver cotton for the reimbursement of the money advanced, with interest. You will give notice to Earl Russell that this transaction necessarily brings to an end all concessions, of whatever form, that have been made by this government for mitigating or alleviating the rigor of the blockade in regard to the shipment of cotton and tobacco. Nor will any title of any person, whether citizen of the United States or subject of a foreign power, to any cotton or merchandise, which title is derived from or through any pretended insurgent authority or other agency hostile to the United States, be respected by this government.

It would be to evince a want of frankness and good faith if we should fail to inform Great Britain that in this country the proceedings to which I have referred have come to be regarded, equally by the people and the government, as tending to complicate the relations between the two countries in such a manner as to render it difficult, if not altogether impossible, to maintain and preserve friendship between them; a result which the President believes is as far from being desired by Great Britain as it is from being the policy or the wish of the United States. After the resort to the courts of the United Kingdom which the President has specially authorized as a sequel to the applications and remonstrances which you have made, thus far without any effective result, this government is not now aware of any other measures remaining within its power to arrest the tendency I have described and to avert the calamities I have deprecated. If it be in the power of the British government to suggest anything further that it may be thought possible and proper for the United States to do with that view, the suggestion will be received and considered with the utmost candor and respect.

You will, in such manner as shall seem most proper, bring these views to the knowledge of her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extracts]

No. 547.]

DEPARTMENT OF STATE,
Washington, April 10, 1863.

SIR: Your despatch of March 20 (No. 353) has been received. * * *

It has not been gratifying to this government to see that consultations concerning our internal affairs have been held by representatives of foreign powers with citizens of the United States who dissented from the policy of the President. * * * But, on the other hand, the greater responsibility for the improper communications manifestly rested with the citi-

zens, who encouraged and probably sought the illicit intercourse. The discontented state of the public mind at the moment when our suspicions were aroused made it seem inexpedient then to institute proceedings against those citizens. It would not have been magnanimous to complain of the compromised foreigner, and leave the conspiring citizens unrebuked.

Fortunately, the injurious proceeding culminated in the propositions of Mr. Drouyn de L'Huys. The necessity for answering that communication furnished the occasion equally to show the determination of the government and to elicit the sentiments of the people in regard to every form of foreign intervention and intrigue. The result has been so entirely satisfactory as to enable the President to overlook, as merely harmless incidents in our great struggle, the injurious consultations to which I have alluded, and to leave the parties to them to the all-sufficient censure of public opinion throughout the world.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extracts.]

No. 548.]

DEPARTMENT OF STATE,
Washington, April 13, 1863.

SIR: I have laid before the President your despatch of March 26, (No. 355,) which communicates the debate in the House of Lords on Lord Campbell's question concerning recognition of the insurgents; that of March 27, (No. 356,) which relates a long, free, and friendly conversation had between yourself and Earl Russell on the general subject of our relations with Great Britain; that of March 27, (No. 357,) which gives us the two notes which have passed between his lordship and yourself touching the fitting out of certain armed vessels in Glasgow; and that of March 28, (No. 359,) which gives us the debate held in the Commons on the inquiry of Mr. Forster concerning the hostile naval operations of British subjects against the United States.

The pleasing impression made by the first three of these papers is so nearly removed by the latter as to render it difficult for this government to accept as reliable the expectations of a more favorable course on the part of her Majesty's government which you so very reasonably built upon Earl Russell's explanations. Nevertheless, the President has determined to pursue the course of prudence and moderation which you have suggested, until it shall be ascertained whether we may expect any action on the part of her Majesty's government to prevent the hostilities with which we are menaced by British subjects.

The state of the case seems to be this: The United States, laboring under all the difficulties of their situation as a foreign sovereign, unable in a friendly country to put into activity the laws and proclamations of that country which are designed to prevent aggressions by British subjects upon American commerce on the high seas, appeal to her Majesty's government to enforce those laws. On the other hand, her Majesty's government avow their willingness to enforce the same laws, provided they are first furnished with evidence which would probably lead to the conviction of the offenders.

The line which divides the two nations is one which it would seem might be removed by their governments, each of which is acting in good faith and with a desire that justice and only justice shall be done. It has seemed to the President that an American lawyer of learning and experience, and yet at the

same time distinguished for good temper and courtesy, might be useful to the legation in its consultations with such British counsel as you may employ, and also in preparing papers or proofs. With this view William M. Evarts, esq., of New York, will proceed to London, and will place himself in communication with you, instructed to institute nothing and to do nothing except what you may think it useful for him to do. Lord Lyons, who has been consulted on the subject, and who manifests a very friendly desire for the removal of the present difficulty, will probably write to Earl Russell in relation to Mr. Evarts.

* * * * *

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 549.]

DEPARTMENT OF STATE,

Washington, April 13, 1863.

SIR: You will find the newspaper reports from the west quite confused. The War Department has regular advices, and is confident of ultimate and not long delayed success at Vicksburg.

The late reconnoissance at Charleston is regarded by the navy as establishing the invulnerability of the monitors, and, of course, their ability to reduce the land fortifications at that place. The only obstacle now remaining to be overcome is the obstructions in the channel. The attention of the fleet is now engaged upon this point.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 374.]

LEGATION OF THE UNITED STATES,

London, April 16, 1863.

SIR: I transmit herewith a copy of a note addressed by me to Lord Russell, in obedience to the instructions contained in your despatch (No. 531) of the 28th of March. I was glad to have the opportunity to do so, as the evidence verified the representations heretofore made by me of the character of the Georgiana, and exposes the nature of the reports from Liverpool to the foreign office on the same subject. I had reason to believe that his lordship considered me, in this case, at least, to have made a mistake. Thus far, I think, I can say that all the later evidence received sustains, in every instance, the allegations that have been made. Fortunately, the Georgiana is put out of the question as a mischief-maker.

A copy of Lord Russell's acknowledgment is appended.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 14, 1863.

MY LORD: I have been instructed to lay before your lordship copies of a correspondence transmitted to me from Washington relative to the arrival of the steamer *Georgiana* at Nassau. It appears by these papers that she appeared and was received at that port in the singular guise of an armed British merchant vessel, although, from the evidence which your lordship was pleased to furnish to me from Liverpool, she was not represented as enacting any such part in that harbor. I have now every reason to believe that the information upon which I had the honor to base my representation of the character and purposes of that vessel was, in all essential particulars, correct.

Happily for the interests of both countries, this cause of complaint and irritation has been disposed of, in a summary way, in advance of any production of mischief. I wish I could have it in my power to make the same announcement in other cases to which I have been under the painful necessity to draw your lordship's notice.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

[Enclosures.]

1. Consul Whiting to Mr. Seward, March 27, 1863.
2. Same to Governor of Bahamas, February 28, 1863.
3. Colonial Secretary to Mr. Whiting, March 2, 1863.
4. Mr. Whiting to Captain Kennedy, March 2, 1863.
5. Captain Kennedy to Mr. Whiting, March 2, 1863.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 15, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, enclosing copies of papers transmitted to you from Washington, respecting the case of the *Georgiana*.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

LEGATION OF THE UNITED STATES,
London, April 16, 1863.

SIR: I have the honor to transmit resolutions which have been received from the officers of public meetings held at Leicester and at Preston, in Lancashire.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, &c., &c.

[Enclosures.]

1. Resolutions from meeting at Leicester, March 6, 1863.
2. Resolutions from meeting at Preston, April 7, 1863.

At a public meeting held at Leicester, March 6, 1863, Samuel Barnes, esquire, in the chair, the following resolutions were unanimously carried, and subsequently ordered to be forwarded to the honorable C. F. Adams:

1. That this meeting is decidedly of opinion that the conflict now raging between the two sections of the North American republic had its origin in the question of slavery, and that the object of the southern section is, by the evidence of their own officials, to establish a great slaveholding confederacy; this meeting, entertaining that unmitigated aversion to slavery which characterizes Englishmen, desires to repudiate all sympathy with a state which makes slavery the fundamental principle and corner-stone of its constitution.

2. That this meeting desires to express its hearty appreciation of every effort on the part of President Lincoln and the northern citizens to free themselves from the shame and guilt of slavery.

SAMUEL BARNES, *Chairman.*

At a large and enthusiastic meeting held in the assembly rooms of the Corn Exchange, Preston, on Tuesday, April 7, the following resolutions were passed, with but two dissentients:

1. That the southern States of America having revolted from the United States government for the avowed purpose of extending and perpetuating slavery, this meeting views such a design with the greatest indignation, and hereby declares that a confederacy based upon what has been truly called "the sum of all villainies" is unworthy the recognition of the civilized world; and this meeting, believing that it is the duty of this country to maintain the strictest neutrality with regard to the American war, desires to urge upon her Majesty's government the greatest vigilance and promptitude, in order to prevent the fitting out of privateers and the furnishing of arms for the purpose of injuring the United States government; and this meeting would further express its detestation at the conduct of those ship-builders, money-lenders, and others, who are aiding and abetting the designs of the rebel States.

2. That, regarding slavery as America's greatest curse, this meeting rejoices that so much has already been accomplished towards its complete and everlast-

ing extinction, and hereby expresses its cordial sympathy with the people and government of the United States in the prosecution of an emancipation policy.

3. That a copy of the above resolutions be forwarded to Mr. Adams, the United States minister in London, and to Lord Russell, her Majesty's secretary for foreign affairs.

JOHN HASLAM, *Chairman.*

PRESTON, *April 9, 1863.*

Mr. Adams to Mr. Seward.

No. 376.]

LEGATION OF THE UNITED STATES,
London, April 17, 1863.

SIR: I have the honor to forward copies of further correspondence had with Lord Russell in connexion with the case of the *Alexandra*. My proposition to him had been prompted by the legal advisers employed by Mr. Dudley, though not precisely in the form adopted by me. They suggested an offer to proceed, on our part, in the courts, as an alternative, should they prefer that course. I thought this might possibly be used to throw the responsibility exclusively upon us. So I preferred to apprise them of the readiness of our lawyers to proceed on their judgment of the merits of the case, without offering to release the government from its duty to come to the same conclusion.

I have since learned from Mr. Dudley that the government has finally decided upon prosecuting the offenders criminally. But so strong is the sympathy with them of all the subordinates at Liverpool, that I still remain very doubtful of any successful result. They are collecting further testimony, in which business Mr. Dudley is endeavoring to co-operate with them. The expense will be considerable, but I have authorized him to incur it in the belief that any efforts in this direction that may have the effect even to delay the completion of these operations will more than compensate the loss.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosures.]

1. Mr. Adams to Lord Russell, April 9, 1863.
2. Lord Russell to Mr. Adams, April 9, 1863.
3. Same to same, April 11, 1863.
4. Mr. Adams to Lord Russell, April 11, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, April 9, 1863.

MY LORD: Having examined an opinion from eminent counsel that the evidence in the case of the *Alexandra* is sufficient to sustain proceedings for her condemnation under the sixth section of the enlistment law, I pray your lordship to have the kindness to inform me whether the measures thus far adopted or intended on the part of her Majesty's government in that case would be in

any way deranged by simultaneous action on the part of the United States in a different form. Should no inconvenience be apprehended, I am informed by the lawyers that they are ready to proceed.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,
 CHARLES FRANCIS ADAMS.

Right Hon. Earl RUSSELL, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 9, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, requesting to be informed whether the means thus far adopted or intended on the part of her Majesty's government in the case of the *Alexandra* would be in any way deranged by simultaneous action on the part of the United States in a different form, and I beg to state to you that I have referred a copy of your letter to the lords commissioners of her Majesty's treasury, and as soon as I receive their lordships' reply I shall have the honor of making a further communication to you on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 11, 1861.*

SIR: I have the honor to acquaint you, with reference to your letter of the 9th of this month, that, in order that the law officers of the crown may be enabled to judge of the bearing which any proceedings which you might take on behalf of the government of the United States in the case of the *Alexandra* would have on the proceedings of her Majesty's government in the same case, they wish to be informed what they are to understand by the expression in your letter, "simultaneous action on the part of the United States."

I have therefore to request that you will have the goodness to furnish me at your earliest convenience with an explanation on this point, for the information of her Majesty's law officers.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 11, 1863.

MY LORD: Without incurring the delay necessary to consult with counsel in regard to the question which your lordship has done me the honor to propose to me in your note of this day, just received, I hasten to say that by the terms

of the seventh and eighth sections of the enlistment law it would appear as if action could be taken both against the persons engaged in the offences specified and against the ships or vessels fitted out by them, or against either. In the one case, the proceedings would seem to be by indictment against the person for a criminal offence; whilst, in the other, the action might be against the vessel and in a different court.

The purpose of inquiry which I had the honor to make was rather to learn whether her Majesty's government would desire any form of co-operation in the prosecution of this matter than to embarrass them by specifying forms of action with which I am, necessarily, not familiar. Should it, however, be agreeable to the law officers of the crown to obtain more specific information in regard to the practical measures contemplated by the counsel retained on behalf of the government of the United States, I shall be happy to procure it at as early a moment as may be practicable.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 378.]

LEGATION OF THE UNITED STATES,

London, April 17, 1863.

SIR: On re-examining Lord Russell's note to me of the 2d instant, I found that in my reply of the 6th instant I had accidentally omitted to notice a passage which virtually renewed the allegation that the government of the United States authorized enlistments of men in this kingdom for their service. In order to preclude any inferences that might be drawn from this silence, I thought it advisable to address a new note to his lordship, a copy of which I send herewith. I add also a copy of his reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

[Enclosures.]

1. Mr. Adams to Lord Russell, denying recruiting, April 10, 1863.
2. Lord Russell to Mr. Adams, acknowledging receipt thereof, April 11, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 10, 1863.

MY LORD: In the note which I had the honor to address to your lordship on the 6th instant, in reply to yours of the 2d instant, I inadvertently omitted to make a remark upon one passage, which I had intended and which it seems to be my duty yet to supply. I refer to that in which you observe that I am "not ignorant that it is now again asserted that her Majesty's subjects are being

recruited for the purpose of aiding the United States against the so-called Confederate States."

In point of fact, at the time of receiving your lordship's note, I was ignorant that such an assertion had been made in any quarter deserving of notice. But inasmuch as I have since perceived the story, wherever originated, to have gained credit in the mind of your lordship, and also to have been dignified by the notice of the first minister of the crown, in his place in the House of Commons, I must now ask permission to recall your attention to the denial *I was authorized by my government* to make, of any such action, so long ago as in my note of the 30th of December last. I beg leave now to repeat that denial, and further to observe that there is no agent of the United States here possessed of authority to "recruit her Majesty's subjects within this kingdom for the purpose of aiding the United States against the so-called Confederate States." Should any person appear professing to have such powers, I should be much obliged for any information which would enable me to report his conduct promptly to my government.

I supply this omission in my former note to your lordship expressly to preclude any unfavorable inference which might be drawn from my silence, and not from any intrinsic importance attached by me to the rumor.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 11, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 10th instant, renewing your assurances in regard to the alleged recruiting in this country for the army of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 379.]

LEGATION OF THE UNITED STATES,

London, April 17, 1863.

SIR: I have the honor to transmit copies of several notes, which have passed between Lord Russell and myself, touching the departure of a vessel called the *Japan*, *alias* the *Virginia*, equipped for the same general purposes as the *Oreto* and the gunboat No. 290. This vessel did not stop at Alderney, but received her armament from the *Allar* on the high sea, not far from the French coast. The depositions of two of the seamen, copies of which have been sent to you by Mr. Dudley, tell the whole story.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. W. H. SEWARD,

Secretary of State, &c.

[Enclosures.]

1. Mr. Adams to Earl Russell, reporting the Allar at Plymouth, April 11, 1863.
2. Extract from 2d edition of the Times of April 11, 1863, about the Allar and Japan.
3. Lord Russell's receipt of the above, April 11, 1863.
4. Mr. Adams to Lord Russell, with depositions of Thompson and Mahon, and list of men shipped at Liverpool, as well as of those who returned from the Japan.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, April 11, 1863.

MY LORD: I have the honor to enclose to your lordship a slip, extracted from the London Times of to-day, touching the case of the vessel now called the Japan, but named at Greenock lately the Virginia. It is needless to add that the statement therein made of the destination of the vessel is known to me to be false. I have reason to believe that she has not gone. The steamer Allar has already transferred to her one 56 gun and four smaller ones, and is expected to return to her.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

[From second edition of the Times, April 11, 1863.]

PLYMOUTH, *Saturday morning.*

The steamship Allar, Captain Back, of and from Newhaven, for St. Malo, put in here this morning and landed seventeen men belonging to the steamsip Japan, Captain Jones, 600 tons, which left Greenock on the 28th of March for a trading voyage in the China seas. On arrival off the coast of France, she lay to for three days, it is supposed, to take in more cargo. On the 4th of April, at 11 a. m., one of the condensers of the steam-engines, which are about 200 horse-power, exploded, and two firemen in the stoke-hole were scalded, viz: Alexander McDuff, of Edinburgh, and William Hamilton, of Down Patrick, seriously. They were taken immediately into the captain's cabin, transferred to the Allar on the 9th, and are now in the Devon and Cornwall hospital here. The other fifteen are seamen and firemen, who took advantage of the proximity of the Allar, and are said to have "backed out" of the voyage to China. They left by train this morning for various parts. The Japan, which has a complement of 80 men, has proceeded. The Allar had to lie to in the channel on Thursday and Friday in consequence of some trifling damages.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, April 11, 1863.

SIR: The statement in the second edition of the Times, respecting the Japan and the Allar, to which you refer in your letter of this afternoon, had already

attracted my attention, and I had brought it, some hours before I received your letter, to the notice of the secretary of state for the home department and of the lords commissioners of her Majesty's treasury.

I have now forwarded to those departments a copy of your letter, with a request that such steps may be taken as can legally be taken to prevent any violation of the law.

I have the honor to be, &c., &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, April 15, 1863.

MY LORD: I have the honor to transmit copies of two depositions of British subjects, who appear to have been solicited to engage in the unlawful expedition of the Japan, *alias* the Virginia, against the commerce of the United States. I append a list, marked A, of the officers and men, subjects of Great Britain, shipped at the sailors' home in Liverpool, a large part of whom have been induced to join the piratical expedition. Likewise a list, marked B, of the men who refused to enlist, left the Virginia, and returned to Liverpool.

It is not without great pain that I feel it my duty to point out to your lordship these transactions at Liverpool, and the extent to which, if not in some way prevented, they are calculated to give rise to complaints in the United States of the violations of neutrality deliberately committed by her Majesty's subjects in the port of Liverpool.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

[Enclosures.]

1. Deposition of Edward Thompson.
2. Deposition of Thomas Mahon.
3. List of men shipped at Liverpool.
4. List of men who returned from the Japan.

Mr. Seward to Mr. Adams.

No. 554.]

DEPARTMENT OF STATE,
Washington, April 20, 1863.

SIR: Your despatch of April 3 (No. 364) has been received, together with a copy of a deposition made by Clarence R. Yonge, late a pretended paymaster in the marine insurgent service. The proceedings you have taken in regard to that person, as well as the uses you have made of the information received from him, are approved. I have laid the papers before the Secretary of the Navy,

with a view to his being prepared for a meeting with Mr. Yonge when he shall present himself at this place.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 560.]

DEPARTMENT OF STATE,
Washington, April 21, 1863.

SIR: Your despatch of April 3 (No. 362) has been received. It is pleasant to know that evidence has been procured in regard to the fitting out of hostile expeditions in England which the British government may be expected to treat with some consideration.

The Peterhoff will be left to the care of the courts. Her mail will be forwarded to its destination unopened. I shall, however, improve the occasion to submit some views upon the general question of the immunities to public mails found on board of vessels visited under the belligerent right of search. The subject is one attended by many embarrassments, while it is of great importance. The President believes that it is not less desirable to Great Britain than it is to the United States, and other maritime powers, to arrive at some regulation that will at once save the mails of neutrals from unnecessary interruption and exposure, and at the same time prevent them from being made use of as auxiliaries to unlawful designs of irresponsible persons seeking to embroil friendly States in the calamities of war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 562.]

DEPARTMENT OF STATE,
Washington, April 22, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 7th instant, (No. 366,) and to express my satisfaction at the proceedings of Earl Russell in regard to the Alexandra, and my approval of your own course in the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 563.]

DEPARTMENT OF STATE,
Washington, April 22, 1863.

SIR: I have received your despatch (No. 367) of the 8th instant, and its enclosure. Your proceedings in the case of the steamer Japan are approved; and the prompt steps taken at the foreign office in the matter are highly satisfactory. Your despatch will be submitted to the Secretary of the Navy.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 385.]

LEGATION OF THE UNITED STATES,
London, April 23, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 534 to 541, both inclusive.

In respect to the directions contained in your No. 538, of the 2d instant, I am pleased to reflect that everything has already been done that is possible in the way indicated. Before this reaches you, information will have been received of the decision of the government to detain the *Alexandra*, of the investigations ordered by it, and of the result. I have no doubt that it is now their intention to commence criminal prosecutions of some of the parties concerned. The effect produced in Liverpool by this intelligence has been to stop, for the time, the prosecution of all work of that particular kind—fighting ships. You will also have learned my offer, on behalf of the United States, to co-operate in the proceedings in any manner that the government would prefer. I think it is a wise decision, on their part, to go on themselves, for there can be little doubt that we should fail if we attempted it. The ministry will be obliged to bear a good deal of opposition in the process, and they subject themselves to heavy responsibilities if they fail. I feel bound to give them credit for their late action, and hope that it may tend to allay the excitement against them now running high in America. In a casual conversation with the Queen's advocate, on the subject, last evening, I felt a little uneasiness at the prospect of a jury trial. I suggested the inexpediency of holding the court at Liverpool. He replied that a change of venue would be necessary. It is no more than right to do justice to the wish to preserve the peace of the two countries that prompts this action. I only wish most heartily that it could have developed itself sooner, and when the risk would have been less. In any event, it is well always to bear in mind whose game we are most effectually playing by hazarding a rupture.

In the mean time, almost all the disposable steam vessels in this country and some on the continent are being bought up at any cost, apparently to prosecute the business of running the blockade. Whatever proceeds may be obtained from the loan, over and above the satisfaction of creditors, are likely soon to evaporate under the lavish expenditures made for these objects. Though not suited for war ships, it is not impossible that they may be to some extent used in that way. The *Georgiana*, the *Alexandra*, and the *Virginia* are all vessels of this class. Even if the vessels could succeed in their object, I am at a loss to perceive any other result of their present recklessness than absolute ruin.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extract.] •

No. 386.]

LEGATION OF THE UNITED STATES,
London, April 23, 1863.

SIR: I have the honor to transmit a copy of a note of Lord Russell, dated yesterday, in answer to mine of the 6th instant, a copy of which accompanied my despatch No. 369, of the 9th of April. * * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *April 22, 1863.*

SIR: In acknowledging the receipt of the further letter which you did me the honor to address to me, on the 6th instant, on the subject of the intercepted correspondence, I will merely add that, while entirely assenting to the principles laid down in the authorities to which you refer, I am still unable to perceive their application to any facts which have occurred in this country within the cognizance of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Mr. Seward.

[Extract.]

No. 389.]

LEGATION OF THE UNITED STATES.

London, April 24, 1863.

SIR: Lord Russell has this week renewed the correspondence in respect to the Sumter. I transmit a copy of his note of the 20th instant.

* * * * *

I append a copy of my reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

*Secretary of State, &c.**Lord Russell to Mr. Adams.*FOREIGN OFFICE, *April 20, 1863.*

SIR: There are several statements in your letter of the 14th of March respecting the sale of the Sumter, at Gibraltar, to a British owner, upon which, if any advantage were likely to result from further discussion of the subject, I should feel it right to observe. But it appears to me sufficient to say, that you seem to have confounded, both in your reasoning upon the subject and in your reference to authority, the positions of a neutral and belligerent in regard to the sale of ships belonging to another belligerent, and to have forgotten, as in the instance of your reference to a statement in a passage on the law of prize, that no neutral State, such as Great Britain now is, administers prize law in favor of either belligerent

The neutral and belligerent have distinct right in the matter; the neutral has a right to acquire such property offered to him for purchase; but the belligerent may, in the particular circumstances in the case, not recognize the transfer of such property as being that of his enemy, only parted with to the neutral in order to protect it from capture on the high seas. The prize court of the belligerent, when property so circumstanced is brought before it, decides whether the transfer is fair or fraudulent.

The British government, when neutral, is not bound to refuse to a British subject the right to acquire, by purchase, a vessel which a belligerent owner may desire to part with, but it would not deny the right of the adverse belligerent to ascertain, if such vessel were captured by its cruisers, whether the vessel had rightfully, according to the law of nations, come into the possession of the neutral; and if Great Britain were herself belligerent, she would not complain of a neutral government allowing one of its subjects to acquire, by purchase, a vessel which her adversary might desire to part with, though she would have the right of capturing such vessel on the high seas, and sending it before the prize court for judgment as to whether the vessel has rightfully, according to the law of nations, become the property of a neutral owner.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 22, 1863.

MY LORD: I have carefully re-examined the positions taken in my note of the 14th of March, to which your lordship refers in yours of the 20th instant, as I always do when called upon by any comments you are pleased to make to me. But I confess myself at a loss to see the force of your objections. I did not forget the fact that no neutral state administers prize law in favor of either belligerent. In the case of the *Sumter*, though I tried to explain the law in its fullest extent, as applied to all belligerent vessels, whether war ships or merchantmen, I called your lordship's particular attention to the fact that her Majesty's government had recognized the *Sumter* as a war ship of a belligerent, in the port of Gibraltar, and to the further fact that it had never recognized the transfer of such a vessel to a neutral as valid, either in the exposition of public law, as given by high authority in Great Britain, or in the practice of the nation when itself a belligerent. Hence it would appear as if Great Britain were now disposed to recognize the validity of an act of a belligerent towards herself, a neutral, which, as a belligerent, she had always refused to acknowledge when attempted by any other neutral nation. I cannot permit myself to imagine that your lordship has really intended to place Great Britain in a position which seems, to my view, singularly at war as much with the first principles of justice as with the reciprocal obligations of international law.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL.

Mr. Adams to Mr. Seward.

No. 391.]

LEGATION OF THE UNITED STATES,

London, April 24, 1863.

SIR: I transmit a copy of a note from Lord Russell to me, of the 21st instant, respecting the departure of the *Japan*, *alias* the *Virginia*. I have no reason to doubt the correctness of the representations therein made of the con-

dition of that vessel. Indeed, this will account for the fact that I had not myself received from any of the consuls information of her readiness for a voyage until after she was gone.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 21, 1863.*

SIR: I stated to you in my letter of the 16th instant that your letter of the previous day, respecting the case of the Japan, otherwise the Virginia, had been referred to the proper departments of her Majesty's government; but I will not delay informing you that her Majesty's government have received from the authorities at Glasgow and at Greenock, reports, from which it appears that that vessel was constantly visited while she was in course of construction, and that the surveys seemed to show that she was intended for commercial purposes, and that her frame-work and plating were of the ordinary sizes for vessels of her class.

She was entered on the 31st ultimo as for Point de Galle and Hong Kong, with a crew of forty-eight men. She shipped on the 1st instant the bonded stores stated in the margin, and she cleared on the same day in ballast for Point de Galle and Hong Kong.

115 gals. spirits.	stores stated in the margin, and she cleared on the same
32 gals. wine	day in ballast for Point de Galle and Hong Kong.
244 lbs. tea.	Her Majesty's government are further informed that
159 lbs. coffee.	the Japan left the anchorage early on the morning of the
212 lbs. tobacco.	2d instant with the ostensible purpose of trying her
10 cigars.	engines, intending to return, having on board several
18 cwt. 3. 2, sugar	joiners, who were filling up her cabins. These men, who
2 2. 8, molasses	are said to have been employed at a later time in filling
2 1. 5, raisins	up a magazine, were subsequently landed on some part
1 12, currants.	of the coast lower down the Clyde.

The custom-house officer, who visited the Japan on the evening of the 1st instant to see that her stores were correct, reports that he saw nothing on board which could lead him to suspect that she was intended for war purposes.

Her Majesty's government are further informed that she was not heavily sparred, and that she could not spread more canvas than an ordinary merchant steamer.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Mr. Seward.

No. 392.]

LEGATION OF THE UNITED STATES,

London, April 24, 1863.

SIR: Her Majesty's government does not seem yet to be quite satisfied of the sincerity of my denials of the enlistment of men in this kingdom under the

authority of the United States. I transmit a copy of two more notes which have passed on the subject.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 16, 1863.*

SIR: With reference to your letter of the 10th instant, in which you repeated the denial you had formerly made of the truth of the report that men were being recruited in this country for the United States army, I think it right to communicate to you the substance of a report which has just been made to her Majesty's government with regard to the number of persons who are now being shipped as emigrants from Queenstown for New York.

It is stated that within the last fortnight 1,278 emigrants have sailed, the greater number being strong, active young men; that it cannot be doubted that they are intended for the United States army, and that, in fact, many of them do not deny it.

A certain number of these men were militiamen from Cork and its vicinity, and they informed the emigration officer that they would get from \$250 to \$300 bounty. It also appears that the prospect of this large bounty has been held out to young men, by general rumor, throughout the country.

It is further stated that the friends of these persons in America are paid so much for obtaining and bringing them out to New York.

I do not think it necessary to encumber this letter with further statements of a more or less trustworthy character which have reached her Majesty's government corroborative of this asserted recruiting of her Majesty's subjects for service in the United States army, and I shall therefore merely add that I am informed that about 800 young men were booked to sail from Queenstown by the steamer of the 9th instant, it being freely spoken of that all the young men were going to join the northern army, and that although the Inman Company have put on additional steamers, the number of applicants for passage is so great that they cannot all be accommodated, and that several hundreds are consequently left behind each week.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 18, 1863.

MY LORD: I am very much obliged to you for the courtesy extended to me in the communication of the substance of a report which has been made to her Majesty's government with regard to the number of persons who are now being shipped as emigrants from Queenstown.

The fact that a great many people, especially in Ireland, have been anxious

for some time past to find their way to the United States, has been made known to me by the frequent applications to this legation for free passage. A considerable proportion of these contain offers to enlist in the service of the government. No doubt they are more or less influenced by the high bounties offered in America, accounts of which have been from time to time published in the newspapers here. To all such solicitations the answer given from here has been uniformly to the effect that no authority has been given by the government to listen to any proposals of the kind, or to make any engagements whatever. Instructions have likewise been sent to the respective consuls who have reported similar proposals to me to make the same answer. I have no reason to believe that any American citizen in England clothed with authority has ventured to act in any other way.

It is proper for me to add, in explanation of the emigration that is taking place, that a gentleman of influence in America now in London, who is in a situation to know, has lately informed me that some of the great corporations for the extension of railways in the western part of the United States having experienced inconvenience from the liability of the laborers in their employ to be drafted for the war, and apprehending more, are making efforts to procure large supplies from other countries of aliens who are, from that circumstance, exempted from the risk of being called into service. It may well be that some of those who desire to get across the ocean for the purpose of enlisting expect to take advantage of the opportunity thus placed before them.

In addition to this, there is no doubt of the fact of a scarcity of laborers in the United States. I learn from private sources that the rate of wages is very much advanced.

I am led to believe that these causes, in addition to the alleged distress of the population of Ireland, may explain the phenomena of emigration to which your lordship has been pleased to draw my attention.

I pray your lordship to accept the assurances, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL.

Mr. Seward to Mr. Adams.

No. 565.]

DEPARTMENT OF STATE,

Washington, April 24, 1863.

SIR: Your despatch of April 9 (No. 370) has been received, together with three notes which have passed between yourself and Earl Russell relating to the suppression of the fitting out of hostile naval armaments in British ports. Your course as related in those papers is approved, and the expressions of satisfaction which you have made to his lordship, in view of the proceedings of her Majesty's government therein mentioned, are affirmed on behalf of the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 566.]

DEPARTMENT OF STATE,

Washington, April 24, 1863.

SIR: Your despatch of April 9 (No. 369) has been submitted to the President, together with the copy of a further correspondence which has been held

between yourself and Earl Russell concerning the intercepted pretended despatches of the agents of the insurgents. The ability with which you have defended the rights of the United States in this correspondence is appreciated, and the views you have submitted to his lordship are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 568.]

DEPARTMENT OF STATE,

Washington, April 25, 1863.

SIR: I have had the honor to lay before the President of the United States resolutions, addresses, and other proceedings of popular meetings which have been held at various places in Great Britain, in compliance with the request of those assemblies, communicated in your correspondence with this department. These proceedings are distinguished, in every case, by an earnest desire that peace may now and forever be preserved between the United States and Great Britain; that the union of this country, which is the bulwark of its safety, may be maintained; and especially that it may not be overthrown so as to give room for a new nation to be founded on the corner-stone of human slavery.

The justice of these sentiments, as well as the confidence in the President which is expressed in the proceedings, would entitle the subjects of Great Britain who constituted these meetings to a special, grateful, and fervent acknowledgment on his part. His sentiments in regard to the subjects discussed in those proceedings have, however, been fully expressed in replies which have been made to the workmen of Manchester, to the citizens of London who were assembled at Exeter Hall on the evening of the 29th of January last, and to the citizens of Bradford. Instead of reiterating the expression of those sentiments in special addresses to so many distinct communities, I have the honor to ask you to make one general acknowledgment, in the spirit of the aforementioned replies, to the citizens who have addressed the President from the following places, namely: Sheffield, Chesterfield, Crosshills, Salford, Cobham, Tower Hamlets, Bristol, Stroud, Glasgow, London, (special meeting of the British and Foreign Anti-Slavery Society of the 19th January,) Galashiels, Bath, Bromley, South London or Southwark, the borough of Leeds, Middleton, in Lancashire; Aberdare, in South Wales; Aberdare, (second meeting,) Oldham, Rawtenstall, Ludenden Foot, Paisley, Edinburg, Carlisle, Birmingham, Merthyr-Tydfil, Newcastle-upon-Tyne, Liverpool, Huddersfield, Ashford, in Kent; Ashton-under-Lyne, Manchester, (Union and Emancipation Society,) Mossley, Leeds, Cirencester, Bolton, Southampton, Newark-upon-Trent, London, (Trades Union,) Bradford, (second meeting,) Great Horton, Woolwich, in Kent, and Bingley, in Yorkshire.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 569.]

DEPARTMENT OF STATE,
Washington, April 25, 1863.

SIR: Your despatch No. 360 has been received. The accompanying answer to the Exeter Hall addresses supplies the omission to which you refer. You will please reply in similar terms to that from Bradford, making such changes as the circumstances may to you seem to be necessary. You will bear in mind a previous instruction to you on the subject, to the effect that, with a view to avoid any show even of disrespect to her Majesty's government, it is deemed advisable, before communicating the answers to the addresses, to submit them to the perusal of Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

DEPARTMENT OF STATE,
Washington, April 25, 1863.

To the citizens of London who were convened in Exeter Hall on the 29th of January last:

The proceedings of a meeting of British subjects, citizens of London, in Exeter Hall, on the 29th of January last, which were transmitted to the undersigned, have, in compliance with a request contained therein, been laid before the President of the United States.

It would have been most gratifying to the President if the insurrection which is existing in the United States could have been confined within such bounds as to prevent it from disturbing the prosperity, or otherwise engaging the attention, of friendly nations. Fully convinced that any state which suffers itself to become dependent on the aid, or even the sympathy, of a foreign power, is equally unable and unfit to live, the President has been especially careful to refrain from making any appeal to friendly states, and even from seeming to attempt to influence their opinions upon the merits of the present conflict further than has appeared to be necessary to avert ill-considered and wrongful intervention. At the same time, the President has neither questioned the right of other nations and communities to form and express their opinions concerning the merits of the questions raised by the insurrection, and the policy which the government has adopted in suppressing it, nor has he complained of the manner in which that right has been exercised. On the contrary, he believes that the ultimate and impartial judgment of mankind upon all such questions is entitled to universal respect and acquiescence.

Circumstances which neither this government nor that of Great Britain created or could control, have rendered it unavoidable that the causes, character, tendency, and objects of the insurrection should be discussed in that country with scarcely less freedom and earnestness than in our own. The results of that discussion, if it shall continue to be conducted in a just and impartial spirit, may be taken as foreshadowing, in some degree, the ultimate judgment of mankind. It is, therefore, with sincere satisfaction, that the President learns from the proceedings now under consideration that a large, respectable, and intelligent portion of the British people have, on unprompted investigation, arrived at the conclusion that the existing rebellion violates the principles of political justice, and that they protest against it as a wrong to the human race, because it seeks

to displace a government which is based on the rights of man, to make room for the establishment of another which is to rest upon human bondage as its cornerstone.

The President would do injustice to his habitual sentiments if he were to omit to express also the satisfaction with which he has perceived that, in all cases, those who are most just in their sentiments towards the United States are also the most earnest in their desire for the preservation of international peace and friendship. This circumstance supplies to this government a new motive for adhering to its determined policy of peace, justice, and friendship towards all nations, and especially towards Great Britain.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Mr. Adams to Mr. Seward.

No. 395.]

LEGATION OF THE UNITED STATES,

London, April 30, 1863.

SIR: Despatches have been received this week from the department, numbered from 542 to 549, inclusive.

In regard to the most important of these, (Nos. 545 and 548, of the 10th and 13th of April,) I find that the instructions to communicate the views therein contained are predicated on the state of things as then understood by you to exist here. It so happens that nearly at the same date her Majesty's government had determined to take the step which meets the contingency suggested by yourself as necessary and required. The decision to proceed against the parties concerned in the equipment of the *Alexandra* seems to me, therefore, to dispense with the obligation to present further remonstrances against their non-action. I shall, therefore, suspend proceedings under these despatches until I learn the effect which the knowledge of later events will have had upon your policy.

You will also have had in your possession ere this my despatches relating to a resort to legal proceedings in the courts here, on the part of the government of the United States, (Nos. 368 and 377.) I had already taken the responsibility of directing Mr. Dudley to proceed at first alone, and, after the British authorities moved, in concert with them, if agreeable. Copies of the letters that have passed between Lord Russell and myself, relating to this last proposal, have already gone forward with my despatch No. 377. There is, however, one note of mine, written this week, which remains to complete the papers. I now forward a copy. You will see that it declines to push the proposal of co-operation any further. I am convinced that it would do no good to attempt it, and that for the reasons given in my No. 377. If the government does not succeed, it is very certain that we should fail. If, on the other hand, it carries its point, the moral effect of its interposition, in deterring from new attempts hereafter, would be vastly greater.

I am very glad, however, to learn that Mr. Evarts is about to come here for the purpose of acting in concert with the professional persons who have been employed on this side. This will relieve my mind of much responsibility in the management and direction of the technical part of the business. I shall be happy to receive him, and to afford him all the aid in my power in the prosecution of his work.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, April 28, 1863.

MY LORD: I have the honor to transmit a copy of a letter received from Messrs. Duncan, Squarey & Blackmore, to whom I have referred for advice in regard to my response to the inquiry which your lordship did me the honor to address to me on the 23d instant, together with the enclosure therein. I am led to the conclusion, for the reasons given in this letter, that it would not be advisable now to propose, on the part of my government, to take an active part in the prosecutions connected with the *Alexandra*. I am the more confirmed in this opinion from the fact that I have reason soon to expect more specific directions from Washington in connexion with the management of the questions involved in the proceedings that may be taken in the courts.

I have, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL.

Messrs. Duncan, Squarey & Blackmore to Mr. Welding.

LIVERPOOL, *April 27, 1863.*

SIR: We have read the copy of correspondence between Mr. Adams and Lord Russell, which you left with us this morning.

Two distinct processes are pointed out by the foreign enlistment act—one against the vessel, with a view to its condemnation; the other against the persons implicated in fitting out the vessel, who are to be deemed guilty of a misdemeanor, punishable by fine and imprisonment. The expediency of proceeding criminally against the parties engaged in fitting out the *Alexandra* was discussed on several occasions by the writer with Mr. Howell, the solicitor to the Board of Customs, when that gentleman was at Liverpool; and the conclusion arrived at, in which Mr. Dudley fully concurred, was that, unless, in the opinion of the law officers of the crown, it was legally necessary, to get this vessel condemned, that there should be a previous conviction for misdemeanor of the parties implicated in fitting her out, it was not expedient in this instance to proceed criminally against the parties implicated. The reason why such proceedings were not thought expedient was that it was considered that the evidence, though perhaps sufficient to support proceedings in London for the condemnation of the vessel, might prove insufficient to procure a condemnation at Liverpool of the parties implicated, and that an unsuccessful prosecution would prejudice the chance of getting the vessel condemned, which would unquestionably be the case. We may add, that we have always understood from Mr. Dudley that it was the opinion of Mr. Adams and himself that the criminal proceedings against individuals should be instituted by the government of this country, and not by, or on behalf of, the government of the United States.

We enclose a copy of a letter addressed by us to Mr. Hamel, on the 20th instant.

Yours truly,

DUNCAN, SQUAREY & BLACKMORE.

H. WELDING, Esq.,

Vice-Consul U. S. A., Liverpool.

Mr. Squarey to Mr. Hamel.

LIVERPOOL, 10 *Water street*, April 20, 1863.

MY DEAR SIR: Your letter of the 17th instant was handed to me, in due course, by Mr. Beverly.

I am not in a position at present to place before you any further evidence, but it is probable that some additional information may be obtained, in which case I will communicate with you.

The American consul has written to the United States for evidence of the capture and destruction of federal vessels by the Alabama and the Florida, and for the original letters from Mr. Memminger and Mr. Mallory, showing Messrs. Fraser, Trenholm & Co.'s connexion with the confederate government, with proof of the handwriting of such letters.

You may rely absolutely upon this evidence being forthcoming.

I have had an opportunity of discussing with the consul the questions, at our interview on Thursday last; and I may state that, although the government entertains a strong opinion that parties implicated in offences against the foreign enlistment act should be prosecuted by the British government, the consul concurs in the expediency, in this instance, of seeking the forfeiture of the vessel rather than the conviction of offending parties.

If, however, the law officers of the crown should consider that the prosecution of the parties is legally necessary in order to the condemnation of the vessel, or that it is otherwise expedient, the consul is prepared to render every assistance in his power in any such prosecution.

Having regard to the great difficulty of procuring such evidence as one would wish to obtain, in support of the proceeding for the condemnation of this vessel, I feel very strongly that it may be necessary and proper to disregard the ordinary rule against calling unwilling witnesses, and to compel the attendance on the trial of parties from the establishments of Messrs. Fraser, Trenholm & Co., and Messrs. Faucett, Preston & Co., with such books and papers as may contain information as to the circumstances under which the vessel was ordered to be built, and the mode it has been paid for. This, I am aware, would be a bold, and, perhaps, to some extent, a dangerous course; but it must be remembered that the case is exceptional; and I think it may deserve consideration whether Captain Bullock, Captain Tessier, Captain Omquid, and some of the principals in the above-mentioned firms, and the Messrs. Miller, should not also be subpoenaed.

I have ascertained that the advance notes given to the crew of the Oreto, when she sailed from Liverpool, were made payable at Messrs. Faucett, Preston & Co.'s office; and there is, I believe, no doubt that these gentlemen furnished the armament of that vessel, and of the Alabama.

If I can assist you at any time, let me know, and I will at once come to town.

Yours, very truly,

A. F. SQUAREY.

F. J. HAMEL, Esq.,

Solicitor to the Board of Customs, Custom-House, London.

Mr. Adams to Mr. Seward.

No. 396.]

LEGATION OF THE UNITED STATES,

London, April 30, 1863.

SIR: I have the honor to transmit a copy of one of the official publications made for the use of Parliament, containing the correspondence that has

passed between Lord Russell and myself on the subject of the intercepted despatches and the rebel agents in England. You will doubtless take note of Lord Russell's letter of the 20th instant, on the last page, and you may wonder why I have not already furnished you with a copy of it. The truth is that I received it but a short time before the usual date of writing, last week, and the character of it seemed to me so very extraordinary that I felt as if it ought to have a reply here before I sent it forward to the United States. I confess myself wholly at a loss to conceive what the motive could have been for such a production. Copies of the note and of my answer, which appears to have come too late for publication, are now transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *April 20, 1863.*

SIR: With regard to the complaints which you have made, from time to time, of British sailors who have entered the confederate service, I have to remark that no steps have hitherto been taken by the United States authorities to prevent British subjects from entering the military or naval service of the United States.

Mr. Seward has, on the contrary, justified the measures used, provided they were not bribery or intimidation to induce British sailors to enter the federal service.

You will readily perceive the justice of the request I am about to make, namely: that before you repeat your complaints that British sailors have entered the service of the so-called Confederate States, you will furnish me with proofs that all British subjects serving in the federal army or navy have been discharged, and that orders have been given not to enlist or engage such persons to serve in arms contrary to the tenor of her Majesty's proclamation.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 25, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 20th instant, in answer to several notes of mine, making certain representations in regard to the enlistment of British subjects in warlike operations on the ocean, against the commerce of the people of the United States, with whom her Majesty is at peace.

In further evidence of the truth of former allegations I now have the honor to submit to your consideration a copy of a minute or agreement, duly signed by certain parties, well known at Liverpool, which was given to one of the men who sailed in the vessel called first the Japan, and then the Virginia—a vessel

the objects and intent of which have been already exposed by the evidence accompanying my note to your lordship of the 13th instant.

Upon examining the statute of the realm, by the terms of which, in the second section, any proceeding of the sort indicated, if established by proof, is pronounced a misdemeanor, and the party guilty of it punishable by fine and imprisonment at the discretion of the court competent to try the same, I do not perceive that the enforcement of this provision is made dependent upon the exterior action of parties who have occasion to complain of the commission of these offences; nor do I understand their privilege of furnishing information of such facts (as may have become known to them) to her Majesty's government to be connected with any condition excepting those implied obligations of courtesy which regulate the intercourse of all civilized nations.

It is, therefore, not without the greatest surprise that I gather from the terms of your lordship's note an impression that my government, for the future, is to be debarred from presenting evidence of the violations of neutrality committed within this kingdom by the enlistment of her Majesty's subjects in a war on the people of the United States until I can furnish proofs that all British subjects who may have found their own way to the United States at any time within the present century, and have voluntarily enlisted in the federal army or navy, have been discharged, and that orders have been given not to enlist or engage any such persons to serve in arms contrary to the tenor of her Majesty's proclamation.

I need not point out to your lordship the fact that this is asking what it is altogether beyond the powers of the government of the United States to do by virtue of any existing law. Your lordship has heretofore, on many occasions, called my attention to the fact that her Majesty's government cannot go beyond the law in applying a remedy to any abuse, however flagrant. It certainly would not counsel another government to do that which it refuses to do itself. It is quite certain that a very large number of persons, reckoned still as subjects by the law of the realm, have yet emigrated to the United States, have renounced their allegiance to her Majesty, and have become citizens of the United States. As such they are recognized as having obtained certain new rights, and become subject to correlative obligations. One of these last is that incumbent equally on all citizens of serving their country, if called upon, in time of war. From this it is not possible for the government to relieve them. Hence, if her Majesty's government is to be understood as requiring that a condition of discharging the large number of persons embraced in this category from the military and naval service of the United States, is to be fulfilled prior to the exercise by the United States of a right to make representations respecting the violations of the laws enforcing neutrality committed within this kingdom by the enlistment of her Majesty's subjects in a war against a friendly nation, I very much fear lest this act may be construed as indicative of a disposition to cut off the opportunities of remonstrance by demanding the performance of an obvious impossibility. Of course I cannot permit myself to suppose that such an intention has been entertained for a moment. Yet, on the other hand, it is not to be denied that, according to the terms of your lordship's note, the effect indicated must practically follow.

The government of the United States acknowledges, and will, whenever called upon, perform, the obligation to enforce the laws prohibiting its citizens from entering into the military or naval service of friendly nations engaged in war with one another. But they cannot engage to refuse the service of volunteers who may be disposed to come to the United States and offer their aid in the great struggle in which they are engaged, no matter from what country they may come. The memory of such names as LaFayette, Kosciusko, and DeKalb, not to mention others, remains too much in honor among them to justify any such step. Her Majesty's government, in appearing to require it,

asks more than has ever been suggested under any theory of international law, and directly the opposite of what it has been heretofore in the habit of practicing itself.

The archives of this legation, for many years back, and running far beyond the period of the late war with Russia, abound in instances of applications to her Majesty's government for the discharge of citizens of the United States who have voluntarily enlisted in her Majesty's service. In some cases they have been granted as a matter of favor, but never as an acknowledgment of right. And of late years they have been uniformly refused unless coupled with the condition commonly attached to the discharge of subjects, the repayment of the advance—the temptation which drew them to enlist. I have now before me a note received from an individual alleging himself to be a citizen of the United States, but as a gunner in the British navy, driven by his poverty to enlist, praying me to interpose in his behalf and to transfer him to a post where he could serve his own country in this her time of greatest need. I have been obliged to answer his application by saying that her Majesty's government declines to act in similar cases, excepting as matters of favor, and then, in such a position as his, only on the requisition of the payment of thirty pounds. A condition like this is generally equivalent to a denial. It is not a part of my purpose to complain of this course. But such being the practice of her Majesty's government, it can scarcely be expected that the government of the United States could be called upon to adopt any other.

Neither is this the only or the strongest instance of the declaration of her Majesty's government of a right to accept the services of the people of all nations in time of war. Lord Stowell, than whom no more eminent authority is ever cited as authority in British jurisprudence, has explicitly declared, in the broadest terms, that "in time of war every country admits foreigners into its general service." This is a measure "to which every country has resort in every war, whether prosperous or adverse."

Her Majesty's government proceeded to act upon this principle in the very last war in which Great Britain was engaged. And her secretary of state for foreign affairs at the time, Lord Clarendon, appears to have enunciated it, in the very widest terms, in addressing the government of the United States. In defending the action of persons who actually went far beyond the line marked out, his lordship affirmed that unless there was an express law forbidding the subjects of a country to leave the territory, it was perfectly legitimate for another country to invite them to leave it, for the purpose of entering into its service. I quote the language of his despatch to Mr. Crampton of the 16th November, 1855 :

"It is of course competent to any nation to enact a municipal law, such as actually exists in many countries, forbidding its subjects to leave its territory ; but in such cases '*civitas carcer est*;' and it may be the duty of other countries to abstain from actively assisting the captives to escape from the national prison in order to serve another master. But the government of the United States has enacted no such law. It justly boasts of its complete freedom in this respect—'*civitas non carcer est*.' All residents therein, whether foreigners or citizens, are perfectly free to leave its territory, without the permission of the government, at their own absolute discretion, and *to enter the service of any other state when once within its frontier*. To invite them or persuade them to do what is thus lawful, can constitute no violation of the territorial rights which the sovereign power has never claimed or exercised."

Neither is this all, nor even the most decisive testimony to the policy heretofore pursued by Great Britain in regard to this matter. I have reason to believe that there is a statute of the realm, of ancient date, which expressly authorizes and directs the enlistment of foreigners, of any and every nation, into the army or navy, in time of war, and which tenders to them as an inducement

the boon of naturalization as British subjects. That act, though passed to meet an immediate emergency, appears to give powers which revive its vigor on the breaking out of any future war. I have no reason to suppose that it is not yet in force to this day. I have the honor to transmit a copy of that statute. I cannot help believing that it places beyond the possibility of a doubt the question of principle which lies at the bottom of this discussion, so far as the uniform action of this kingdom contributes to establish it among nations.

Under these circumstances, I cannot but hope that her Majesty's government will so far reconsider the interdiction they appear to have laid upon the United States, in the present case, as not to demand, as a prior condition, the performance of a common act of remonstrance, not simply a series of measures never required before, but one at war with the whole previous policy of Great Britain in its own case, contrary to the general practice of nations, as well as obviously impossible to perform.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Agreement made at Liverpool this 28th day of March, 1863.

Ten days after the ship Japan sails from the river Clyde the undersigned do hereby promise and agree to pay to any person who shall advance two pounds ten shillings — pence to Edward Davis, on this agreement, the sum of two pounds ten shillings — pence, provided the said Edward Davis shall sail in the said ship from the said river Clyde.

JONES & CO.

Payable at 28 Chapel street.

ANNO DECIMO TERTIO GEORGH II, CAP. III.

An act for the better supply of mariners and seamen to serve in his Majesty's ships-of-war, and on board merchant ships, and other trading ships and privateers.

For the better supply of mariners and seamen to serve in his Majesty's ships-of-war, and on board merchant ships and other trading vessels, and privateers, and for the better carrying on the present or any future war, and the trade of Great Britain during the continuance thereof, may it please your Majesty that it may be enacted, and be it enacted by the king's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same—

That, during the continuance of this present war, and no longer, except in respect of such merchant ships and other trading ships or vessels, and privateers which shall be on their voyage before the determination of this war, who shall be and are hereby allowed the liberty and benefit of returning home, navigated in the manner as hereinafter is provided, it shall and may be lawful for any merchant ship, or other trading ship or vessel, or privateer, to be navigated by foreign seamen or mariners, not being natives of Great Britain, or any of the colonies or plantations thereto belonging, or his Majesty's natural or naturalized subjects, so as the number of such foreign seamen or mariners do not exceed three-fourths of the mariners at any one time employed to navigate such mer-

chant ships, or other trading ship or vessel, or privateer; and that one-fourth, at least, of the mariners or seamen so employed be, at all times, natives or his Majesty's naturalized subjects of Great Britain, (sudden death and a hazard and casualties of war and the seas saved and excepted,) one act of Parliament, made in the twelfth year of his late Majesty's reign King Charles the II, intitled *an act for the encouraging and increasing of shipping and navigation*, or any other statute or law, to the contrary notwithstanding.

II. And for the better encouraging of foreign mariners and seamen to come and serve on board ships belonging to this kingdom of Great Britain, be it further enacted, by the authority aforesaid, that every such foreigner, mariner or seaman, who shall, from and after the 1st day of January, 1739, have faithfully served during the time of war on board any of his Majesty's ships-of-war, or any merchant or other trading ship or ships, vessel or vessels, or privateer, (which, at time of such service, shall belong to any of his Majesty's subjects of Great Britain,) for the space of two years, shall, to all intents and purposes, be deemed and taken to be a natural-born subject of his Majesty's kingdom of Great Britain, and have and enjoy all the privileges, powers, rights, and capacities which such foreign mariner or seaman could, should, or ought to have had and enjoyed in case he had been a natural-born subject of his Majesty, and actually a native within the kingdom of Great Britain.

III. Provided, nevertheless, and it is hereby further enacted and declared, that no person who shall be naturalized by virtue of this act shall thereby be enabled to be of the privy council, or a member of either house of Parliament, or to take any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown to himself, or any other person or persons in trust for him, anything herein contained to the contrary thereof in anywise notwithstanding.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his Majesty, his heirs and successors, at all times, when it shall be found necessary to declare war against any foreign power, to publish a royal proclamation, if he or they shall judge it requisite, to permit all merchant ships and other trading vessels, and privateers, to be manned with foreign mariners and seamen, during such war, in the manner as by this act provided; and that upon the publishing of such proclamation, this act, and everything therein contained, shall be deemed to be in full force and virtue, and have continuance for and during the time of any said war, and no longer, except in respect to such merchant ships and other trading ships or vessels, and privateers, which shall be on their voyage before the determination of such war, who shall be, and are hereby, allowed the liberty and benefit of returning home, navigated in the manner as hereinbefore is provided.

Mr. Adams to Mr. Seward.

No. 397.]

LEGATION OF THE UNITED STATES,

London, April 30, 1863.

SIR: In obedience to the instructions contained in your despatch No. 542, of the 12th of April, I have transmitted a note to Lord Russell, together with a copy of the memorial of the Panama Railroad Company.

A copy of that note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosure.]

Mr. Adams to Lord Russell, with memorial, April 29, 1863

*Mr. Adams to Lord Russell.*LEGATION OF THE UNITED STATES,
London, April 29, 1863.

MY LORD: I am directed by the government of the United States to submit to your consideration a copy of a memorial addressed to the President by the directing authorities of the Panama Railroad Company. I am further instructed to say that this case is regarded as coming within the category described in my note to your lordship of the 20th November last, touching the depredations committed by gunboat "290," now known as the Alabama, but attended by some peculiar circumstances fully set forth in the memorial itself.

Renewing, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Adams to Mr. Seward.

No. 398.]

LEGATION OF THE UNITED STATES,
London, April 30, 1863.

SIR: I have the honor to transmit a copy of one of the official publications made for the use of Parliament, containing the correspondence which has passed between Lord Russell and myself on the subject of alleged enlistments on account of the United States in Great Britain. One additional note has been written by me since the date of this publication; a copy of which, with its enclosures, is likewise forwarded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosures.]

1. Parliamentary paper, (No. 9.) North America. Enlistment of British subjects in federal army.
2. Mr. Adams to Lord Russell, April 29, 1863.
3. William H. Aspinwall to Mr. Adams, April 28, 1863.
4. McAndrew & Wann to Mr. McHenry, March 27, 1863.
5. Mr. J. M. Forbes to Mr. Adams, April 28, 1863.

(See printed correspondence—London, &c.)

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 29, 1863.

MY LORD: In further explanation of the views which I had the honor to submit to you, in my note of the 18th instant, as to the causes of the present emigration, I have the honor to submit copies of notes addressed to me by gentlemen of high character in the United States, who are in a position to write with knowledge of the facts. The original memorandum, a copy of which is likewise submitted, is now in my hands.

I pray, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

TUESDAY MORNING.

MY DEAR SIR: I mentioned to you, some days ago, that several railroads were looking to Great Britain and to Canada for laborers exempt from the conscription act. Two or three companies were, to my own knowledge, making such arrangements. To-day I happened to speak of the matter to Mr. McHenry, the agent of the Atlantic and Great Western railroad, now being extended through the State of Ohio, and I received from him the enclosed memorandum from the agents in New York, on the promise to return it to him this week. McAndrew and Wann are British subjects; the latter brother to the manager of the Belfast Bank. And Mr. Kennard, the consulting engineer alluded to in memorandum, is an Englishman, nephew to the bankers in this city.

Very truly and respectfully, yours,

WILLIAM H. ASPINWALL,
Edwards's Hotel.

His Excellency C. F. ADAMS, &c.

[Memorandum.]

NEW YORK, *March 27, 1863.*

DEAR SIR: Mr. Kennard wishes you to send out 500 mechanics. He will have work for them, and more. Wages here—say, blacksmiths, \$2 to \$2 50; riveters, \$1 50 to \$2; fitters, the same; moulders, \$1 50; and trimmers, do., per day. Riveters wanted particularly. He also would like you to send out 3,000 laborers. Their wages will be \$1 25 per day. They should pay their own way out. Mechanics can be had in Belfast and Scotland.

Truly, yours,

McANDREW & WANN.

JAMES HENRY, Esq., *London.*

Mr. Forbes to Mr. Adams.

LONDON, *April 28, 1863.*

MY DEAR SIR: The extraordinary misapprehension which seems to exist here, even among *sane* people, in regard to enlistments in this country for the United States, leads me to state that more than two months ago I was called

upon, as a director in one of our Lake Superior land companies, to vote upon an appropriation of money, to be used in combination with other companies there, for bringing miners and other laborers over to supply the great want of labor that had already been felt there. I know, too, that the great railroad lines of the west were suffering under the increase of wages and the scarcity of men, especially of those exempt from draft. Even on the seaboard, in our short winter days, common labor was at \$1 25 per diem.

It seems to me the plain facts of the case are quite enough to explain the emigration, without supposing want of good faith in our government as its cause or stimulant.

Very truly, yours,

J. M. FORBES.

His Excellency CHARLES FRANCIS ADAMS, &c., &c.

Mr. Adams to Mr. Seward.

No. 400.]

LEGATION OF THE UNITED STATES,

London, May 1, 1863.

SIR: In obedience to so much of the instructions contained in your despatch No. 545, of the 10th of April, as relates to the loan made here in behalf of the rebels, I have addressed a note to Lord Russell on that subject, a copy of which is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, April 28, 1863.

MY LORD: I am instructed to inform your lordship that the government of the United States has heard with surprise and regret of the negotiation of a loan in this city, with conditions of security and payment openly hostile to the United States, and under the strongest presumption that the funds thus supplied are to be used in fitting out expeditions, in violation of her Majesty's proclamation and of the law of the land, as well as of treaties and the law of nations. The President does not for a moment believe that her Majesty's government have lent or will lend any sanction or approval to these proceedings. The painful fact, nevertheless, is forced upon his attention that this loan contains a direct engagement with the armed insurgents, who have assumed to control, supply, and deliver cotton for the reimbursement of the money advanced, with interest. Hence it becomes an imperative duty to apprise her Majesty's government that this transaction must bring an end to all concessions, of whatever form, that may have been heretofore made for mitigating or alleviating the rigors of the blockade in regard to the shipment of cotton. Neither can any title of any person, whether citizen of the United States or subject of a foreign power, to any cotton or other merchandise, which title is derived from or through any pretended insurgent authority, or other agency hostile to the United States, be respected.

It has always been, and it still continues to be, the desire of my government to do everything in its power to lighten the difficulties which inevitably follow a state of war to all friendly nations. I am sure that it is with the greatest reluctance it finds itself compelled by the offensive acts of apparently irresponsible parties, bent upon carrying on hostilities under the shelter of neutrality, to restrict rather than to expand the avenues of legitimate trade. The responsibility for this must rest mainly upon those who, for motives best known to themselves, have labored and continue to labor so strenuously and effectually to furnish the means for the protraction of the struggle.

Renewing, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 401.]

LEGATION OF THE UNITED STATES,
London, May 1, 1863.

SIR: On Saturday last I sent you copies of newspapers containing reports of the debates, on the evening previous, in the House of Commons, on American affairs. I did not then think it necessary to accompany them with any comments of mine. It is proper for me, however, to say that the concurring testimony of all persons present whom I have seen, was to the effect that the general tone of the members indicated an indisposition to disturb the friendly relations between the two countries.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 403.]

LEGATION OF THE UNITED STATES,
London, May 1, 1863.

SIR: In the House of Lords, last evening, Lord Russell is reported as announcing that the Peterhoff has been sent to the prize court. The effect of this news here will be to prolong the delay in reorganizing the scheme of smuggling by way of the Rio Grande. Seven steamers are now awaiting orders. But I feel it my duty to call your attention to the necessity of taking advantage of it, so far as, if possible, to provide in season against the assumption of operations in that quarter. No equally subtle and dangerous expedient to annul the blockade has yet been devised. The plan has been entered into very deeply by wealthy and influential merchants and capitalists in this city, and it has an intimate connexion with the base of the confederate loan.

* * * * *

I know not whether anything short of the possession of the eastern bank of the river will avail to defeat these machinations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Adams.

No. 575.]

DEPARTMENT OF STATE,
Washington, May 4, 1863.

SIR: Your despatch of the 17th of April (No. 379) has been received. The promptness with which you have laid before the government of Great Britain the facts ascertained by you in regard to the unlawful equipment and departure of the Virginia, is appreciated, and the President indulges a confident expectation that that government will do all that may be within its power to avert from the international commerce the danger which the transaction menaces, and to prevent similar transactions in future.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 576.]

DEPARTMENT OF STATE,
Washington, May 4, 1863.

SIR: Your despatch of the 16th of April (No. 373) has been received.

The late Sir George Cornwall Lewis, secretary of war, has been regarded in this country as a faithful, able, and enlightened minister of the crown, while the firm, just, and dignified course he so constantly pursued in regard to our national affairs, has seemed to be a guarantee of the continuance of peaceful and friendly relations between the two nations. His death is therefore mourned perhaps as profoundly on this side of the Atlantic as it is in the country which that sad event deprives of his wise counsels and great administrative services.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 577.]

DEPARTMENT OF STATE,
Washington, May 5, 1863.

SIR: Your despatch of April 16 (No. 376) has been received, together with the resolutions of the public meetings held at Leicester and Preston, in Lancashire.

I have also the pleasure to acknowledge the receipt of your despatch of the 17th of April, (No. 381,) together with its accompaniment, the address to the President of the inhabitants of Coventry, in Warwickshire. All these kind and

generous expressions of sympathy with the American Union and its cause have been submitted to the President, and read by him with the most grateful emotion.

Having in a recent communication authorized you to acknowledge similar proceedings of like assemblages, held in various parts of Great Britain, I have now the President's directions to ask you to embrace the proceedings now before me in that general acknowledgment, if it be not too late; and if it shall be too late for that purpose, then I have to request that you will make special and proper acknowledgments to the citizens of Leicester, Preston, and Coventry.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,

Washington, May 5, 1863.

No. 578.]

SIR: Your despatch of April 17 (No. 377) has been received, and I have pleasure in stating that your correspondence with Earl Russell on the subject of a resort to the employment of judicial process, in co-operation with the government of Great Britain, to prevent the threatened violations of the neutrality laws of the kingdom, is entirely satisfactory to the President.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,

Washington, May 5, 1863.

No. 579.]

SIR: You will learn by the journals that General Hooker has crossed the Rappahannock and taken a position at Chancellorsville, beyond the enemy at Fredericksburg. As the importance of this movement is apparent, there has been intense anxiety here for the development of its anticipated results. I had hoped to be able to give you some light upon the subject in this despatch. General Hooker, however, keeps his counsels closely, and, as we must suppose, wisely.

I hardly need refer you to the gratifying intelligence which comes from Louisiana and the Mississippi. The campaign in those regions seems to be advancing prosperously.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

DEPARTMENT OF STATE,

Washington, May 5, 1863.

No. 580.]

SIR: Your despatch of April 17 (No. 378) has been received. Your refutation of the allegations that this government is engaged in enlisting in Great Britain recruits for its armies is approved. No agent for such a purpose has

ever been sent into any foreign country, nor has any proposition ever been made, directly or indirectly, or sanctioned by this government, nor has any such an one, made by any unauthorized person, ever come to the knowledge of the government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 581.]

DEPARTMENT OF STATE,

Washington, May 5, 1863.

SIR: Your despatch of the 16th of April (No. 374) transmitting a copy of the continuation of your correspondence with Earl Russell relative to the case of the Georgiana, has been received, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 586.]

DEPARTMENT OF STATE,

Washington, May 7, 1863.

SIR: Your despatch of April 24th (No. 389) has been received, together with its accompaniment, a renewed correspondence between Earl Russell and yourself concerning the case of the Sumter.

The positions you have maintained in your reply to his lordship are approved, and we cannot but hope that upon further consideration they will be conceded by her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 405.]

LEGATION OF THE UNITED STATES,

London, May 7, 1863.

SIR: I have to acknowledge the reception from the department of despatches numbered from 550 to 559, inclusive, and also of 561. No. 560 did not come to hand.

* * * * *

In regard to the subject referred to in your No. 550, of the 13th of April, I now have the pleasure of transmitting to the department for the President the resolutions of the Trades Union meeting, at St. James's Hall, for which you were waiting. On Saturday evening last a deputation, consisting of thirty persons, attended by the chairman, John Bright, esq., waited upon me for the

purpose of putting them in my hands. Some remarks were made upon the occasion, a partial report of which, as printed in the newspapers on Monday, is hereunto transmitted. Great anxiety was manifested in regard to the danger of a rupture between the countries, and fear of the effect of such a result on the hopes of the less favored classes throughout Europe. Although not in any way prepared to expect a demonstration of this sort, I thought it, on the whole, expedient not to appear to evade the question so presented. The reply thus made on the spur of the moment, and printed without examination or revision by me, is in substance correct. It appears to have had a sedative effect.

* * * * *

The causes of this rather sudden change of tone to America, I am not yet in a situation to comprehend. The beneficial effect on the public mind is already palpable enough. Whether there be much dependence to be placed upon a continuance of it is another and a very different question.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[Enclosures.]

1. Resolutions of Trades Union.
2. The Morning Star, May 4, 1863.
3. Daily News, May 4, 1863.
4. The Times, May 5, 1863.

[From the London Daily News of May 4, 1863.]

Trades Union deputation to the American minister.

On Saturday evening a deputation of Trades Unionists attended at the residence of Mr. Adams, the American minister, in Portland Place, for the purpose of placing in the hands of his excellency an address to President Lincoln, adopted at the late Trades Union emancipation meeting at St. James's Hall, over which Mr. John Bright, M. P., presided. The deputation was accompanied by Mr. Bright, M. P., and E. S. Beesley, esq., professor of political economy at University College.

Mr. Bright, M. P., having introduced the deputation to Mr. Adams, said: The deputation I have the honor of introducing to you is one appointed at a meeting of Trades Unionists, held in St. James's Hall, on the 26th of April last, over which I had the honor and pleasure to preside, for the purpose of expressing their abhorrence of the American institution of slavery, their disapprobation of the rebellion of the southern States of that country, their sympathy with the north in its efforts to put down that rebellion, and their admiration of the general policy—more particularly that relating to slavery—pursued by President Lincoln, to whom they had adopted an address of sympathy and congratulation, which they now desire to place in the hands of your excellency for transmission to Mr. Lincoln. The Trades Unions are not political bodies; they are bodies of operatives united together to promote and defend their social interests; and I believe this is the first occasion on which they have come out

as a united body to publicly express an opinion on a political question; and it therefore proves how deep an interest they must have felt in it. [Hear.] I think it is a pity that these important bodies of workmen do not more frequently interest themselves about great public questions, which I believe they might do with great advantage to the public and profit to themselves. [Hear.]

Mr. Cremer (joiner, and secretary to the meeting) then read the address, which assured President Lincoln that the sympathy of the great bulk of the workmen of England was with the north, and expressed the hope that his efforts to put down the rebellion of the southern slaveholders would be crowned with success.

Mr. Potter (joiner, and manager of the *Beehive*, trades newspaper) and other members of the deputation having spoken—

Professor Béesley, acknowledging the relations between this country and the United States, thought that if war did ensue, it would be the result of misunderstanding. He had no doubt our government was fully alive to its responsibility on this point. It had been feared that the pressure put upon our government by the southern sympathizers in high quarters would force them into war. Judging from the past conduct of the government with reference to American affairs, he did not think they were likely to be so influenced.

Mr. Adams, in reply, said: I accept the duty you impose upon me with pleasure, the more so as you have taken advantage of the occasion to speak on the question of war. [Cheers.] I agree generally with you on the subject. But with two nations of the same race, of the same high spirit, both feeling a natural pride in their superiority on the ocean, I think it almost impossible, under existing circumstances, to prevent some things springing up that might occasion a collision. I therefore concur with you, gentlemen, as to the necessity for great forbearance being exhibited by both countries and governments in criticising the actions of each other. I trust that in spite of all that has occurred, there is in the government of each country a sufficient sense of responsibility to induce them to maintain friendly relations with each other. There must naturally be a feeling of pride—of fear lest one nation should appear to refrain from properly resenting what it might deem to be an offence from the other; and in this feeling lies the great danger. I feel confident, however, that if the two peoples and the two governments would speak together in the same frank and unreserved tones as you have spoken to me this evening, all fear of any collision would be at an end. [Cheers.] I can assure you that, notwithstanding the speeches of some of my countrymen—notwithstanding the writings in some of the American journals—there is no nation under the sun for which Americans entertain a greater regard than England; and if the real sentiments of the people of each country can be clearly established to each other, I shall have no fear of their coming into collision. [Hear.] I believe, gentlemen, you have taken the right course to produce this desirable understanding, and I undertake with great pleasure the duty of transmitting your address to President Lincoln. [Cheers.]

The deputation having thanked Mr. Adams for his courteous reception, and Mr. Bright for his kindness in attending, then retired.

[From the Morning Star, (London,) May 4, 1863.]

Trades Union deputation to the American minister.

THE WAR QUESTION.

On Saturday, at 8 p. m., a deputation of Trades Unionists attended at the residence of Mr. Adams, the American minister, in Portland Place, for the purpose of placing in the hands of his excellency the address to President Lincoln,

adopted at the late Trades Union Emancipation Society at St. James's Hall, over which Mr. John Bright, M. P., presided. The deputation consisted of the following members and officers of the Trades Unions: Messrs. G. Potter, Richards, Garland, Fest, Petherbridge, Burgess, Mildred, Cremer, Graham, Donner, Payne, South, Magher, Eglinton, Llewellyn, and Merrifield (carpenters' societies,) Mr. Mooney, (boot-closer,) Messrs. Osborne and Nicass, (plasterers,) Mr. Nelson, (wire-worker,) Messrs. French and Dawson, (bricklayers,) Mr. Shave, (plumber,) Messrs. Dodstron, Odgers, and Richardson, (boot and shoe makers,) Mr. Fast, (zinc-worker,) Mr. Facey, (painter,) Messrs. Grey, Conolly, and Gibbons, (stonemasons,) Mr. Martin, (cigar-maker,) and Mr. Butler, (tin-plate worker.)

The deputation was accompanied by Mr. Bright, M. P., and E. S. Beesley, esquire, professor of political economy at University College.

Mr. Bright, M. P., having introduced the deputation to Mr. Adams, said: Your excellency, the deputation I have the honor of introducing before you is now appointed at a meeting of Trades Unionists, held in St. James's Hall on the 24th of April last, over which I had the honor and pleasure to preside, for the purpose of expressing their abhorrence of the American institution of slavery, their disapprobation of the rebellion of the southern States of that country, their sympathy with the north in its efforts to put down that rebellion, and their admiration of the general policy—more particularly that relating to slavery—pursued by President Lincoln, to whom they had adopted an address of sympathy and congratulation, which they now desire to place in the hands of your excellency for transmission to Mr. Lincoln. The Trades Unions are not political bodies; they are bodies of operatives united together to promote and defend their social interests, and I believe this is the first occasion on which they have come out as a united body to publicly express an opinion on a political question; and it therefore proves how deep an interest they must have felt in it. [Hear.] I think it is a pity that these important bodies of society men do not more frequently interest themselves about great public questions, which I believe they might do with great advantage to the public and profit to themselves. [Hear.]

Mr. Cremer (joiner, and secretary to the meeting) then read the address, which assured President Lincoln that the sympathy of the great bulk of the workingmen of England laid with the north, and expressed the hope that his efforts to put down the rebellion of the southern slaveholders would be crowned with success. Mr. Cremer having explained the cause of the delay in presenting the address, arising from unavoidable causes, said the workingmen of this country felt an especial interest in America, as it was the only country where workingmen held the free use of the franchise. These trade societies were based on broad democratic principles, every member having a voice in making the laws by which he was governed; they were, in fact, so many small republics, the members of which fully sympathized with the large republic across the Atlantic in its present struggle, and hoped it would come out of that struggle triumphant. [Hear.]

Mr. Conolly, (mason,) in assuring his excellency of the deep sympathy felt almost universally amongst workingmen towards the cause upheld by the north, hoped he would use all the influence he possessed to prevent a war between this country and America, which would be one of the greatest calamities of modern times, throwing back the progress of freedom and civilization for many years. This war feeling was fostered by a portion of the press and the mercantile classes in both countries for their own selfish purposes; but he trusted the good sense and mutual forbearance of the peoples and the government would prevent any such fratricidal war taking place. A war with America by this country would, so far as the working classes were concerned, be the most unpopular war that ever existed. [Hear.]

Mr. Potter (joiner, and manager of the *Beehive*, trades newspaper) desired to

assure his excellency that it was principally amongst the upper and a certain portion of the trading classes that southern sympathizers were to be found. The large mass of workingmen had no sympathy with the south, and they would only be too happy to see President Lincoln crush the rebellion and extinguish slavery. A portion of the press in each country were doing their best to mislead the people and embroil the two countries in a sanguinary war. This would be prevented by the people of America being made acquainted with the sentiments of the great mass of the English people, and he hoped his excellency would take the necessary means for making those opinions known amongst his countrymen.

Mr. Odgers, shoemaker; Mr. Petherbridge, joiner; Mr. Facey, painter; Mr. Grey, mason; Mr. Murray, boot-closer; and Mr. Niass, plasterer, severally addressed his excellency in support of the policy of Mr. Lincoln.

Professor Beesley thought if war did ensue, it would be the result of misunderstanding. He had no doubt our government was fully alive to its responsibility on this point. It had been feared that the pressure put upon our government by the southern sympathizers in high quarters would force them into war. Judging from the past conduct of the government with reference to American affairs, he did not think they were likely to be so influenced. The sympathizers with the south might be noisy and demonstrative, but the government well knew that those who sympathized with the north were far more numerous and far more strong, as the public meetings on the subject testified.

Mr. Adams, having expressed the pleasure he felt at seeing so numerous a deputation of workmen before him, said: Gentlemen, I accept with pleasure the duty you have imposed upon me in receiving your address to the chief of my government. Representing, as I do, my country in England, you must be aware that I stand outside all local questions; therefore, it is not my province to express dissatisfaction or satisfaction with those persons or parties in England who may express their opinions upon America. If there are some persons in this country who, from prejudice or ignorance, put a harsh construction on the conduct of the American government, it is not my place to find fault or my right to criticise. It is, however, my duty to accept from the representatives of any body of Englishmen their favorable sentiments towards the government I represent, and to reciprocate the frank, manly, and independent spirit in which they have been tendered. I understand, gentlemen, you attend here as representing large bodies of workingmen who advocate and uphold the rights of labor, and it is therefore but natural you should look with dislike upon any parties, in whatever country they may exist, who infringe on those rights. You perceive that in the struggle now going on in America an attempt is being made to establish a government on the destruction of the rights of labor—a government of physical power to take away the rights of labor. It is a question above all local right; it is a general principle, and therefore, though taking place in a foreign country, you have a right to express your opinion thereon. [Hear.] Gentlemen, I accept the duty you impose upon me with great pleasure, the more so as you have taken advantage of the occasion to speak on the question of war. I agree generally with your views on the subject. But with two nations of the same race, of the same high spirit, both feeling a natural pride in their superiority on the ocean, I think it almost impossible, under existing circumstances, to prevent some things springing up that might occasion a collision. I therefore concur with you, gentlemen, as to the necessity for great forbearance being exhibited by both countries and governments in construing the actions of each other. I trust that in spite of all that has occurred, there is in the government of each country a sufficient sense of responsibility which will induce them to maintain friendly relations with each other. There must naturally be a feeling of pride—of fear lest one nation should appear to refrain from properly resenting what it might deem to be an offence from the other; and in this feeling lies the great

danger. I feel confident, however, that if the two peoples and the two governments would speak together in the same sense, in the same frank and unreserved tones as you have spoken to me this evening, all fear of any collision would be at an end. [Hear.] I can assure you that notwithstanding the speeches of some of my countrymen—notwithstanding the writings in some of the American journals—there is no nation under the sun to which America entertains a greater regard than England; and if the real sentiments of the people of each country can be clearly established to each other, I shall have no fear of their coming into collision. [Hear, hear.] I believe, gentlemen, you have taken the right course to produce this desirable understanding, and I undertake with great pleasure the duty of transmitting your address to President Lincoln. [Cheers.]

The deputation, having thanked Mr. Adams for his courteous reception, and Mr. Bright for his kindness in attending, then retired.

[From the London Times of May 5, 1863.]

Five weeks ago the Trades Unions of the metropolis assembled in St. James's Hall to vote an address of sympathy and congratulation to the President of the United States, and to express their concurrence in the policy and principles of the federal government. On Saturday last that address was presented to Mr. Adams, the American minister, for transmission to Washington, and the occasion served not only for a renewal of demonstrations on the part of sympathizers, but for a most reasonable and timely speech from Mr. Adams himself.

The sentiments expressed by the Trades Unions, though they were not allowed to pass without repudiation by members of the working classes themselves, were upon the whole exceedingly natural. Mr. Bright, who introduced the deputation, and who had presided over the meeting in March last, made a great point of the fact that this was the first occasion on which the unions had stepped out of the sphere of their ordinary discussions to express an opinion publicly on a political question; but this is surely no matter for surprise. This is the first occasion on which a government representing those political principles which unionists mostly profess has resorted to a policy of conquest on behalf of those principles, and has accepted the extremities of war rather than submit to the slightest loss of power. The Trades Unions, therefore, come forward and publicly avow that in a cause which they hold to be their own they have not the least repugnance to war, bloodshed, or expenditure. They are exactly like other people in this respect. Mr. Bright thought it a pity they did not declare their opinions in this matter more frequently; but if they did so, he would no longer be able to represent them as the sole proprietors of political forbearance and wisdom. They have shown clearly enough that, as soon as their own interests can be supposed to be touched, they can advocate a war, even of extermination or conquest, as unhesitatingly as any other people.

Mr. Adams, as was natural on such an occasion, lent a little confirmation to the theory that the war in America was indeed a workingman's war, prosecuted for the main purpose of preserving the rights of labor and the political predominance of the laboring classes. This view of the case was also rather prominently expressed by President Lincoln himself in his first message to Congress, and it derives a certain support from the fact that the classes above the working classes even in the north itself are believed to sympathize with the confederates. We are of opinion that feelings of this kind have entered into that complication of causes which has produced the war; but what, upon this assumption, must be our necessary conclusion? We must conclude, perforce, that unmodified democracy can provoke revolt as surely as the most oppressive despotism. We must admit that people can be roused to fight against such institutions as those of

the United States with as much desperation as has ever been witnessed in a struggle for political emancipation. The Poles themselves at this very moment are not animated with a fiercer spirit of hatred against their enemies than is expressed by the Americans of the southern States. Democracy in action has driven one-third of a great population into open rebellion, and has even secured them the sympathies of a large portion of the remainder. But it was on the immediate question of the day that Mr. Adams spoke with the greatest decision. He was too prudent to appraise the importance of the particular demonstration to which his notice was invited, or to follow the speakers in their estimates of public opinion in this country. On those points he has formed, we have no doubt, his own conclusions, and given his government the benefit of his information. It was on the question of the blockade, and on the possibility of a collision at sea between England and America, that his remarks were so sensible and so opportune. He did not affect to deny that while we might be carrying ourselves rather too stiffly, his own countrymen might be pushing their pretensions too far. "With two nations," said he, "of the same race, of the same high spirit, both feeling proud of their superiority on the ocean, under present circumstances it would be indeed surprising if something should not spring up on the ocean which might occasion collision. * * There must naturally be a feeling of pride—of fear lest one nation should appear to refrain from properly resenting what it might deem to be an offence; and in this lies the great danger." So little desire is there for war in this country that we believe many persons will be concerned to think that, in the eyes of the American minister himself, a "great danger" actually exists. We confess, however, that we have no great fear of its proving any practical peril. A good many words may pass without leading to blows, and as we are confident that neither Englishmen nor Americans have the least wish to go to war with each other, we look forward without mistrust to that mutual forbearance on the part of their governments which Mr. Adams so wisely invokes. We must submit to certain interruptions in our trade in deference to the rights of a belligerent. The Americans must tolerate some shortcomings on our part in consideration of the difficulties of a neutral. In the intelligence just received, it is reported that the seizure of a "confederate steamer"—we presume the *Alexandra*—by this government had actually inspired the federals as much as an alleged success of their gunboats on the Mississippi. We can assure them, if they need the assurance, that not a single violation of our neutrality would ever occur without the regret of the government and the deprecation of the public; but such offences cannot be easily prevented. We cannot do what was done at San Francisco, though that was none too much for the purpose; but we are ready to do all we can.

In short, though it would be false to assert that public opinion in this country is on the side of the north, the northerners may rest assured that our neutrality is and will be maintained without any bias whatever. We sell stores and munitions to both parties indiscriminately, and violate no law in doing so. We would not let a southern steamer escape to sea if we could help it. The federals might obtain a loan just as easily as the confederates, if their terms and their securities were equally acceptable. Trade, like politics, knows neither sympathies nor antipathies. We cannot affect to give the federals that approval which they desire, for we believe their war policy can only end in discomfiture and distress. Apart from any consideration of principles or causes, we think that the attempt in which the federals are engaged is hopeless, and we thought so from the beginning. But if it will give any satisfaction to Mr. Adams or his countrymen, we can assure them that they will not be impeded in the course they may choose to pursue by any intervention on the part of England; that we are sincerely disposed to fulfil all the obligations of a neutral power; and that the very last thing we should wish to see is a war.

MEETING AT LONDON.

At a meeting of the Trades Unionists of London, assembled in Saint James's Hall on the evening of the 26th of March, 1863, the following address was unanimously adopted :

To Abraham Lincoln, President of the United States of America :

HONORED SIR : A portion of the British press, led by the infamous "*Times*," an arrogant aristocracy, and some of the moneyed classes of this country, having misrepresented the wishes and feelings of its people, with regard to the lamentable contest between two portions of the great republic of which you are the legal and constitutional chief, we, the Trades Unionists and workingmen of London, in public meeting assembled, desire to assure you, and the people of the northern and loyal States of America, that our earnest and heartfelt sympathies are with you in the arduous struggle you are maintaining in the cause of human freedom.

We indignantly protest against the assertion that the people of England wish for the success of the southern States in their diabolical attempt to establish a separate government on the basis of human slavery. However much a liberty-hating aristocracy and an unscrupulous moneyocracy may desire the consummation of such a crime, we, the workingmen of London, view it with abhorrence.

We know that slavery in America must have an indirect but real tendency to degrade and depress labor in this country also, and for this, if for no higher reason, we should refuse our sympathy to this infamous rebellion.

The history of our race has been the story of a long-continued struggle for freedom, and we prize too highly the liberties bequeathed us by our fathers to desecrate their memories by descending to associate with the conspirators who seek to sink the producers of human necessities and human wealth into soulless beasts.

Though we have felt proud of our country, of the freedom won for its children by the sacrifices and blood of our fathers, yet have we ever turned with glowing admiration to your great republic, where a higher political and social freedom has been generally established ; but we have always regretted that its citizens, our brothers in the great Anglo-Saxon family, should have allowed the foul stain of negro slavery to remain a black spot on their otherwise noble institutions.

When you, sir, were elected chief magistrate of the great American republic, we hoped for the inauguration of a policy which should cause slavery to disappear from the soil of the United States, and we have not been disappointed. Though surrounded by difficulties, though trammelled by enactments made during the ascendancy of the slaveowners, you have struck off the shackles from the poor slaves of Columbia ; you have welcomed as men, as equals under God, the colored peoples of Hayti and Liberia ; and by your proclamation, issued on the first day of this year, and the plans you have laid before Congress, you have opened the gates of freedom to the millions of our negro brothers who have been deprived of their manhood by the infernal laws which have so long disgraced the civilization of America.

We believe that the endeavors already made by you are only intimations of your earnest intention to carry out to completion the grand and holy work you have begun, and we pray you to go on, unfalteringly, undauntedly, never pausing until the vivifying sun of liberty shall warm the blood and inspire the soul of every man who breathes the air of your great republic.

Be assured that in following out this noble cause, our earnest, our active sympathies will be with you, and like our brothers in Lancashire, whose distress called forth your generous help, in this your own time of difficulty, we would

rather perish than band ourselves in unholy alliance with the south and slavery.

May you and your compatriots be crowned with victory; and may the future see the people of England and their brothers of America, marching shoulder to shoulder, determinedly forward, the pioneers of human progress, the champions of universal liberty.

JOHN BRIGHT, *Chairman.*

WILLIAM CREMER, *Secretary.*

Mr. Adams to Mr. Seward.

[Extracts]

No. 406.]

LEGATION OF THE UNITED STATES,
London, May 7, 1863.

SIR: The correspondence referred to in my despatch No. 396, of the 30th of April, has been since closed by an exchange of notes, copies of which are now transmitted. * * * * *

I do not know with whom rests the responsibility for the delay in the delivery of my notes, as mentioned by his lordship. I have taken measures to fix the date at which they pass out of my hands at the foreign office.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD, *&c., &c.*

[Enclosures.]

1. Lord Russell to Mr. Adams, May 1, 1863.
2. Mr. Adams to Lord Russell, May 2, 1863.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 1, 1863.*

SIR: Your letter of the 25th of April, in reply to mine of the 20th of that month, did not reach me until the morning of the 28th. I mention this to explain to you why it was not included in the collection of papers presented to Parliament on the 27th, of which my letter formed a part.

I think it necessary, in consequence of the tenor of your letter, to point out to you that you have entirely misapprehended the purport of my letter of the 20th of April. My object in that letter was not to discuss the question of the practice of nations to admit into their naval or military service the subjects or citizens of other states, but merely to point out that the government of the United States had no right to complain, as of an unfriendly act on the part of this country, that British subjects took service with the so-called Confederate States, so long as the government of the United States allowed and encouraged other British subjects to enter into their own military service.

The government of the United States must either proceed on the principle of admitting all British subjects to voluntary service in its ships and military

bodies, and then it has no reason to complain that the confederates do the same ; or it must appeal to the foreign enlistment act, and, in that case, it ought not to encourage in its own practice that which it denounces in the case of the confederates.

The government of the United States cannot ask the British government to act partially and unfairly. If thousands of British subjects are to be found fighting in the ranks of the federals, on the invitation of the United States authorities, it is no breach of neutrality that some hundreds should be found in the ships and armies of the confederates upon a similar invitation on their part.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, May 2, 1863.

MY LORD: I am very happy to understand, by the terms of your lordship's note of the 1st instant, what I did not doubt must have been the fact, that no intention was entertained on the part of her Majesty's government to put obstacles in the way of remonstrances on the part of my government against the enlistment, by parties within this kingdom, of her Majesty's subjects, for the purpose and with the intent to carry on war against a nation with which she is at peace. It has seemed to me that such proceedings have been and are carried on, in violation of the neutrality declared in the present contest, and to that extent become just subjects of complaint on my part. I am not aware that I have ever carried my representations beyond that point.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. Earl RUSSELL, &c., &c.

Mr. Adams to Mr. Seward.

No. 407.]

LEGATION OF THE UNITED STATES,
London, May 7, 1863.

SIR: Lord Russell has acknowledged the reception of my note of the 29th ultimo, respecting the destruction by the rebel gunboat No. 290 of the Golden Rule, in a note, a copy of which is sent herewith. This is the proper sequel to my despatch No. 397, of the 30th of April, relating to that subject.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosure]

Lord Russell to Mr. Adams, April 30, 1863.

FOREIGN OFFICE, *April 30, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, enclosing a memorial addressed to the President of the United States by the directing authorities of the Panama Railroad Company, respecting the destruction, by the Alabama, of the American bark Golden Rule.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Mr. Seward.

No. 408.]

LEGATION OF THE UNITED STATES,
London, May 7, 1863.

SIR: In accordance with your directions contained in No. 553, of the 17th of April, I have addressed a note to Lord Russell asking the attention of her Majesty's government to the adoption of the measure contained in the act of Congress of the 3d of March, 1863, facilitating the taking of testimony, and suggesting co-operation.

A copy of that note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosure]

Mr. Adams to Lord Russell, May 6, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, May 6, 1863.

MY LORD: I have the honor to submit to your consideration copies of certain papers which have been transmitted to me from my government, showing the progress made in the United States in an attempt to establish greater facilities in the taking of testimony to be used in foreign countries in cases in which governments may be interested. As this would seem to be an object of international concern by reason of the conveniences that may thus be reciprocally afforded, I am directed to solicit the favorable attention of her Majesty's government to the subject.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

[Enclosures]

1. Mr. Chase to Mr. Seward, April 13, 1863.
2. Mr. Jordan to Mr. Chase, March 13, 1863.
3. Act of March 3, 1863.

Mr. Adams to Mr. Seward.

No. 409.]

LEGATION OF THE UNITED STATES,
London, May 8, 1863.

SIR: Lord Russell has acknowledged the reception of the notice contained in my letter of the 28th ultimo, of which the particulars were given in my despatch No. 400, of the 1st instant, in a note a copy of which is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosure.]

Lord Russell to Mr. Adams, May 1, 1863.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *May 1, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 28th ultimo, acquainting me that in consequence of the negotiation in London of a loan, with conditions of security and payment openly hostile to the United States, and under the strongest presumption that the funds thus supplied are to be used in fitting out expeditions in violation of her Majesty's proclamation and of the laws of the land, as well as of treaties, and of the law of nations, the President of the United States puts an end to all concessions, of whatever form they may have heretofore been made, for mitigating or alleviating the rigors of the blockade in regard to the shipment of cotton; and, further, that the title of any person, whether citizen of the United States or subject of a foreign power, to any cotton or other merchandise which title is derived from or through any pretended insurgent authority or other agency to the United States, cannot be respected.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Mr. Seward.

No. 410.]

LEGATION OF THE UNITED STATES,
London, May 8, 1863.

SIR: The correspondence on the subject of emigration referred to in my despatch No. 398, of the 30th ultimo, appears to have come to an end with the

note from Lord Russell of the same date, a copy of which is transmitted herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c.

FOREIGN OFFICE, *April 30, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th instant, in further explanation of the emigration of able-bodied persons from this country to the United States.

Requesting you will accept my thanks for this communication, I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Mr. Seward.

No. 411.]

LEGATION OF THE UNITED STATES,
London, May 8, 1863.

SIR: Since the departure of the steamer of last week I have had the pleasure of receiving Mr. Evarts at the legation. I have placed him at once into communication with all the parties hitherto engaged on this side of the water in the preparation of evidence or in giving advice in the matter of vessels fitting out here for the use of the rebels.

In the case of the *Alexandra*, I am informed, though not from any official source, that her Majesty's government have concluded to proceed in the first instance against the ship, and not the persons. The case has been removed to the court of exchequer, at Westminster, and is to be tried by a special jury at some period not yet fixed. In a brief conversation I had last evening with the solicitor general on the subject, I found him far from sanguine of success in the undertaking. I presume he will not act. The attorney general may. The enlistment law never was a popular act here. And there are so many strong interests combined to annul its provisions that we shall have to esteem ourselves very fortunate if we can obtain a jury fully disposed to do us justice.

The purchase of steamers for account of the rebels continues to an extraordinary extent. I have reason to believe that they still contemplate a possibility of some concerted operations of an aggressive character to break the blockade, and possibly to recover their foothold at New Orleans or at the mouth of the Chesapeake. But the great effort is unquestionably to forward supplies of provisions and clothing.

There are rumors of another attempt at a loan. But the latest news is not so encouraging. The present one is barely able to sustain itself with every artificial assistance.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Mr. Seward to Mr. Adams.

No. 588.]

DEPARTMENT OF STATE,
Washington, May 9, 1863.

SIR: Your despatch of April 23 (No. 385) has been received. This government will not fail in doing ample justice to the good disposition which her Majesty's government is manifesting to repress the equipment of hostile vessels from British ports. Our naval force in the immediate vicinity of Charleston seems to have rendered the running of the blockade there too hazardous for profit. The attempt to carry stores and supplies to the insurgents through Matamoras has given us much apprehension; but the danger of seizure it encounters will probably cause some slackening of that form of enterprise, while our recovery of the navigation of the Mississippi and its tributaries on the western side, which has now practically been accomplished, must tend very strongly to its further discouragement. The condition of affairs upon the Mississippi now is that we have dissevered the region west of that river from the field of military operations on the eastern side; while the occupation of Vicksburg and Port Hudson, yet maintained by the insurgents, simply enables them to obstruct our land and naval forces in their manœuvres upon the river and its banks. We hope soon to overcome even this embarrassment.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 589.]

DEPARTMENT OF STATE,
Washington, May 9, 1863.

SIR: Your despatch of the 24th of April, 1863, (No. 392,) has been received. I have read with care and, as I think, with candor, its accompaniment, the note which Earl Russell addressed to you on the 24th of April last on the subject of reputed acts of enlistment for our military forces in Ireland, as well as your reply to that communication.

We have indeed observed here a remarkable increase of immigration, especially of immigration from Ireland. But you are entirely correct as well as truthful in the declarations you have made—that not one person has been enlisted, directly or indirectly, in Ireland, or in any foreign country, by any agent or under any authority or with any knowledge of this government. You have assigned some of the causes of this immigration. The enlistment and conscription of men into the loyal and devoted armies of the country; the inducements to military ambition, with the increase of military spirit in the country, which is continually rendering the soldier's career more attractive; the growth of national spirit, with an increase of confidence in the cause of the Union, and, of course, an increase of patriotic devotion to it, all the while urging citizens to abandon the pursuits of civil life; the greater publicity of the contest in foreign countries, and the increased favor felt toward it there as its true character comes to be understood; a marked advance in the prices of labor and skill, consequent upon a condition of industrial activity in agriculture and in the mechanical and manufacturing departments which has hitherto been unknown; the advantages offered to the poor of every land by the homestead law—all these are probably beginning to be felt in Europe. There is yet another material cause: gold and silver have to some extent become demonetized here, and been replaced by a

national currency which is satisfactory to the masses of the people. The rewards of labor paid in this currency are increased, without being balanced as yet by a corresponding increase of hiring of labor abroad, while the cost of subsistence here is not equally enhanced. You are authorized to communicate to Earl Russell so much of the information furnished you by this despatch as you may think it will be useful that her Majesty's government should have. And in every case you will counteract and deny, in a courteous manner, but with decision and earnestness, all allegations to the effect that we are enlisting soldiers in Ireland, Great Britain, or in any other foreign country.

I trust that the expositions of opinion abroad would justify us in hoping that this new result in Europe of our deplorable strife is likely to induce there the reflection that this civil war has no tenacity of life, except what is derived from the support and sympathy extended to it by prejudiced or misguided parties in foreign countries, whose prosperity and welfare this government not only has no desire to disturb, but really seeks to promote through as speedy return to domestic peace as can be made with safety to the national existence.

The United States, by fostering slavery here, with the tacit concurrence of foreign states for fifty years, have created a system of international industry beneficial to European countries. It is hardly to be expected that when that policy is all at once arrested and abandoned here, at the cost of a fearful civil war, all the painful results of so sudden and violent a change will be confined to this country, and that the European states will not be obliged to conform their own social industry in some respects to the altered condition of affairs.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 590.]

DEPARTMENT OF STATE,

Washington, May 9, 1863.

SIR: Your despatch of the 23d ultimo (No. 386) has been received, together with the copy of Earl Russell's note to you of the 22d of the same month, relative to the intercepted insurgent correspondence.

I have no reason to question your decision not to prolong the special correspondence which you have held with his lordship upon that subject.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 414.]

LEGATION OF THE UNITED STATES,

London, May 14, 1863.

SIR: I have the honor to transmit a copy of a note of Lord Russell to me of the 8th instant, in reply to mine of the 22d ultimo, which was sent to you with my No. 389, of the 24th of April, on the subject of the steamer Sumter. I presume this closes the correspondence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 8, 1863.*

SIR: It is not necessary or desirable to prolong the controversy with regard to the steamer Gibraltar, otherwise Sumter. I shall, therefore, merely observe, with reference to the letter which you did me the honor to address to me on the 23d ultimo, that I have not stated any intention on the part of her Majesty's government to deviate in this case from any acknowledged principles of international law, or from the exposition of those principles hitherto given in courts administering that law. On the contrary, it is the firm intention of her Majesty's government, both in the case of the Sumter and in every other case, to abide by those principles, which they have hitherto most scrupulously maintained during the whole course of the present war.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c.

Mr. Seward to Mr. Adams.

[Extract.]

No. 593.]

DEPARTMENT OF STATE,
Washington, May 18, 1863.

SIR: * * * * *

You will have received before the arrival of this despatch the answer which I have made to Earl Russell on the subject of the complaint which he preferred against you in relation to your letter to Admiral DuPont.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 597.]

DEPARTMENT OF STATE,
Washington, May 18, 1863.

SIR: Your despatch of April 30 (No. 396) has been received, together with its numerous and voluminous accompaniments.

I have neither need nor disposition to add anything to your conclusive reply to the novel and extraordinary views concerning the legality of enlistment of foreigners presented by Earl Russell in his note to you of the 18th of April last. Your proceedings in the prosecution of the correspondence are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 599.]

DEPARTMENT OF STATE,
Washington, May 18, 1863.

SIR: I have to acknowledge the receipt of your No. 395, of the 30th ultimo, relative to proceedings against persons engaged in building, arming, and equipping, in Great Britain, war vessels for the insurgents of the United States, and to inform you that it is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 601.]

DEPARTMENT OF STATE,
Washington, May 19, 1863.

SIR: I enclose for your information the copy of a note of the 12th instant addressed by this department to Lord Lyons, relative to an impression in England that it is the intention of this government, by captures without cause, by delays of adjudication, and by wanton imprisonment of the masters and part of the crews of captured vessels, to put a stop to the British trade to Matamoras altogether.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 602.]

DEPARTMENT OF STATE,
Washington, May 19, 1863.

SIR: In reviewing the late movement of General Hooker across the Rappahannock, all critics approve of the plan, and admit that it was reasonably expected to be successful. Thus far there is no intelligent agreement upon the cause of the failure. Certainly it was not for the want of men, material, or courage on the part of the army. The War Department will not fail of its duty in reorganizing and renewing this important portion of the campaign. Meantime it is consolatory to know that the losses and damages of the national army, especially when the relative conditions of the two parties are considered, are not disastrous, and that the result seems to have neither demoralized the troops nor discouraged the country. The intelligence from the valley of the Mississippi continues to be favorable thus far. Large portions of Louisiana and Mississippi have been reclaimed. The recent effective movements of our cavalry arm are giving us a surprise as pleasing and as full of promise as the naval successes with which the campaign of last year was opened.

You will not fail to notice the growing confidence of the public in the national finances. The sales of government stocks at par now reach the figure of ten millions weekly. In singular contrast with this improvement of the public credit, it is now discerned that the insurgents are actually driven to the importation of bread for their armies from Europe, through the hazards of the blockade. It is not easy to perceive how a purely agricultural country can long carry on a war when it has to import not only its material of war but its provisions,

while it puts its governing population into the armies, and has continually to guard against the desertion or resistance of its laborers. It is obvious that this condition of things is becoming intolerable. The best negro laborers are now sold in Georgia at two thousand dollars each, insurrectionary currency, equal, it is supposed, to five hundred dollars national currency. Before the war their value was three times greater.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 604.]

DEPARTMENT OF STATE,
Washington, May 23, 1863.

SIR: Your despatch of the 7th of May (No. 405) has been received, together with the address of the Trades Union at London to the President of the United States, the remarks made by the committee on placing the address in your hands, and your reply to those remarks. These papers having been submitted to the President, I have now to inform you that your speech on the occasion referred to is approved without qualification. You will inform the Trades Union that the President is profoundly impressed by the liberal sentiments which they have expressed in regard to the United States, as well as by their good wishes for the restoration of our domestic peace upon the only sure and reliable foundations of national integrity and union. The President, moreover, appreciates the earnest desire which pervades the address of the Trades Union for the preservation of peace and harmony and mutual affection between Great Britain and the United States. This desire seems to him just, natural, wise, and humane, while it is in exact accordance with the earnest wishes of the American people. The President willingly believes that, in the respects to which I have referred, the Trades Union have in fact spoken the voice of the people of Great Britain, and he responds to it, on the part of the American people, with equal directness and earnestness.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 417.]

LEGATION OF THE UNITED STATES,
London, May 21, 1863.

SIR: I have the honor to transmit the resolutions of the city of York, adopted some time since, but not received at this legation until the present week.

On Monday last I presented, in person, the reply to the resolutions of the meeting at Exeter Hall, on the 29th of January last, to Mr. Evans, the chairman of the Emancipation Society, under whose auspices it was held. Since then I have sent the answer to the proceedings of the first meeting at Bradford. The reference to Mr. Forster was omitted, as he seemed rather to prefer that course. The genuine reply, in all the other cases specified in your despatch No. 568, and in the three mentioned in your later despatch No. 577, is now in process of transmission.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

At a meeting of the citizens of the city of York, duly convened and held in the Guildhall of the said city, on Monday, the 23d day of February, 1863, the Right Hon. William Fox Clark, Lord Mayor, in the chair, it was—

Resolved, 1. That this meeting cordially approves of the policy of non-intervention in American affairs pursued by her Majesty's government, and avows its entire agreement with the sentiment expressed by the Earl of Derby in the House of Lords, that it would be premature to recognize the nationality of the Confederate States, at all events, before the government of Washington shall, by an abandonment of hostilities against them, virtually acknowledge their independence.

2. That this meeting, having in view certain facts brought to light through intercepted despatches and other sources, declares its belief that direct aid and co-operation have been afforded to the Confederate States by their sympathizers in this country, who have negotiated loans, and fitted out and manned vessels-of-war on their behalf. The meeting, therefore, desires emphatically to protest against such proceeding, as an infringement of the Queen's proclamation, and as altogether disrespectful and disloyal to the status of England as a neutral power.

3. That this meeting is decidedly of opinion that the conflict now raging between the two sections of the North American republic had its origin in the question of slavery; and that as the object of the southern section is, by the evidence of their own official documents, to establish "a great slaveholding confederacy," the meeting, entertaining that unmitigated aversion to slavery which has characterized Englishmen in former years, desires to repudiate all sympathy with a state which so avowedly makes slavery the fundamental principle and "corner-stone" of its constitution, and at the same time to express its hearty appreciation of every honest and sincere effort on the part of northern statesmen or citizens to free themselves from the shame and guilt of the system.

4. That this meeting cannot separate without gratefully acknowledging the generous sympathy manifested by the northern Americans towards the suffering population of Lancashire, as proved by the mission of the George Griswold, and without, at the same time, expressing an earnest hope that the present crisis through which the United States are passing may lead to times of peace, freedom, and national advancement in the future.

5. That a copy of these resolutions be forwarded to the Right Honorable Earl Russell, her Majesty's secretary of state for foreign affairs, and to the Honorable Charles Francis Adams, representative of the American government in this country.

WILLIAM FOX CLARK, *Lord Mayor.*

Mr. Seward to Mr. Adams.

No. 605.]

DEPARTMENT OF STATE,

Washington, May 23, 1863.

SIR: Your despatch of May 8 (No. 411) has been received. I have communicated the information it brings to the Secretary of the Navy. It is to be hoped earnestly that the prosecution against the *Alexandra* may be successful. The blockade at Charleston seems now to be very effectual. The illicit trade through the Rio Grande will receive a severe blow if our military and naval operations on the Mississippi prove successful. Speculations on those operations must soon give way to certainty of some sort.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 607.]

DEPARTMENT OF STATE,
Washington, May 24, 1863.

SIR: The suspense in which we have been held through a considerable period, filled with tantalizing delays and annoying though not disastrous disappointments, has been relieved at last by splendid successes obtained by General Banks, and still more brilliant victories won by General Grant, all of which seem to promise most important results.

I need not indicate the favorable influence which this change of our military situation will exercise in Europe to you, who know by experience even more trying than my own that the opinions and sympathies of states, not less than those of individuals, concerning any cause, are chiefly determined by the success obtained by those to whom the responsibilities of its defence are confided.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 425.]

LEGATION OF THE UNITED STATES,
London, June 5, 1863.

SIR: The case of the *Alexandra* still remains in suspense. The attorney general, in the House of Commons the other night, announced that it would probably come up for trial on the 15th instant. I am not very anxious to see it hastened, although the panic which it occasioned among the rebel sympathizers has almost passed away. They are now busily engaged in fitting out other vessels of the same kind. Although not sanguine of obtaining any satisfactory results from the government, I have felt it my duty steadily to continue my representations whenever I could base them on any tolerably sufficient grounds. I now transmit copies of the notes and papers connected with the *Phantom*, *Southerner*, and *Sumter*, and likewise of such replies as I have received from Lord Russell.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, May 16, 1863.

MY LORD: I have the honor to transmit to you copies of two depositions, going further to show the character and purposes of the steamer *Phantom*, concerning which I have already made some representations in my note to your lordship of the 26th of March, not doubting that these proceedings have already attracted the attention of her Majesty's government.

I pray, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Deposition of Robert Thomas.

I, Robert Thomas, of No. 3 court, Ann street, Toxteth Park, Liverpool, in the county of Lancaster, police constable No. 379, of the borough police, make oath and say as follows :

1. I do duty as a police constable at the Toxteth dock, Liverpool, and have been so employed for the last three years and upwards. I know the ship-building yard of Messrs W. C. Miller & Sons, ship-builders, Liverpool, which adjoins to the dock, and has an entrance into the dock.

2. About five months ago my attention was called to a ship that I was told was to be made of steel plates. She was then on one of the slips in Messrs. Miller & Sons' yard, and had only her ribs up. Since that time I have seen her from day to day. She is now lying in Toxteth dock. I have been aboard of her since she has been in the dock. She is entirely cased with steel plates. There are three port-holes on each side, which are covered with steel-plate shutters. She is fitted with a screw. There are no sleeping bunks for the crew, and very little room in her for cargo, her engines and boilers taking up most of the room; and from her whole appearance I am able to say that she is intended for war purposes.

3. The engines are being fitted by Messrs. Fawcett, Preston & Co., whose men have been and are now at work on her.

4. I know Captain Bullock, who went out with the Oreto, which vessel I remember when in Messrs. W. C. Miller & Sons' yard, who built her. I have known Captain Bullock about twelve months and have seen him engaged giving directions on board the Oreto, the Alexandra, and I have also seen him upon the Phantom very often, superintending and directing the workmen who were engaged upon her. I saw him on Tuesday last, on which day the Phantom went out of the Toxteth dock into the river to try how the screw would act. I was then standing on the pier-head, and the vessel was close to. They were trying the screw for twenty minutes or more. There were present with Captain Bullock Mr. Thomas Miller, one of the firm of W. C. Miller & Sons, Mr. Steers, of Fawcett, Preston & Co., and some other people whom I don't know. I heard Captain Bullock give directions as to the vessel, and also saw him examining the screw with Mr. Steers and Mr. Miller. I spoke to Captain Bullock when he came on shore, and asked him if any accident had happened to the Phantom, as they had kept her so long at the gate. He said no, she was all right. The Phantom was hauled into dock again after the trial was over, and I saw her there last night.

5. I saw the said Captain Bullock and Mr. Thomas Miller again last night looking at the Phantom and inspecting the progress of the work. The men are very busy at work upon her. Her engines are now all finished, and there is little to be done before she will be ready for sea.

ROBERT THOMAS.

Sworn at Liverpool, in the county of Lancaster, the 14th day of May, 1863, before me.

ARTHUR ELLIS, *a Commissioner, &c.*

Deposition of William Cozzens.

I, William Cozzens, of No. 7 Lavan street, Liverpool, in the county of Lancaster, detective police officer, make oath and say as follows :

1. I have been employed for the last several weeks watching the building of certain vessels by certain parties in Liverpool and neighborhood, and, amongst

others, my attention has been called to a vessel built by Messrs. W. C. Miller & Sons, ship-builders, Liverpool, which vessel is called the Phantom.

2. I saw the Phantom lying in the Clarence dock basin the first week in April. She remained there until the 4th of May instant, when she was taken up to the Toxteth dock.

3. During the time the Phantom was lying in the Clarence basin, I frequently saw an engineer, named William Allen, who, I am informed and believe, sailed from this port as the chief engineer on board the steamship Oretto, in March, 1862. I saw, also, the foreman and head engineer of Messrs. Fawcett, Preston & Co., on board of the Phantom, superintending the men who were engaged fitting the engines and boilers on her. I observed that some of their tools and machines bore the initial marks "F., P. & Co." I also saw two boilers, now in the ship, being taken there on a carriage, which had the name of Fawcett, Preston & Co. thereon.

4. Since the Phantom has been in the Toxteth dock, I have seen on her machinery which bore the initials of F., P. & Co., and on Wednesday, the 13th of May instant, I was at the Toxteth dock, and there saw Captain Bullock and Mr. Thomas Miller & Sons. They were in conversation, and appeared to be inspecting the ship; and after they came on shore they remained looking at her bow, and talking together for several minutes.

5. The Phantom is a screw steamer of about two hundred feet long. She is steel-plated all over, and has three port-holes on each side. She draws very little water, not more than three feet forward, and about seven to eight aft. She has very little room for any cargo, and appears to me to be built for war purposes. They are fitting her with great expedition. Her engines are finished, and she is almost ready.

WILLIAM COZZENS.

Sworn at Liverpool, in the county of Lancaster, the 14th day of May, 1863, before me.

ARTHUR ELLIS, *Commissioner, &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 18, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, enclosing copies of two depositions, going further to show the character and purposes of the steamer Phantom, now in course of construction at the port of Liverpool; and I have the honor to inform you that I have lost no time in forwarding copies of these papers to the proper departments of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, May 19, 1863.

MY LORD: I have the honor to transmit the copy of another deposition, supplementary to that which I submitted to your consideration with my note of the 16th instant, relating to the steamer Phantom.

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Deposition of Robert Thomas.

I, Robert Thomas, of No. 3 court, Ann street, Toxteth Park, Liverpool, in the county of Lancaster, police constable, make oath and say as follows:

1. On Friday I went on duty at the Toxteth dock, and about half-past nine o'clock I saw Captain Bullock coming down and go alongside of the Phantom, and point out to one of the foremen of Messrs. W. C. Miller & Sons something that required to be done to the fore part of the vessel's deck. The foreman then went on deck, and Captain Bullock went into Messrs. Millers' yard, and, in about twenty minutes afterwards, he came with Mr. Thomas Miller, and they went on board the vessel, and remained there some time. I saw him with one of the foremen, named David Runcorn, fitting in the hatchway cover.

2. Captain Bullock had a roll of paper in his hand, which I believe to have been a plan, and he was inspecting the vessel, and, from time to time, referring to the paper; and he was thus occupied upwards of two hours.

3. During the whole of the time I was on duty at the dock yesterday, from 8 o'clock a. m. to half-past 3 p. m., Messrs. Millers' men, and Messrs. Fawcett, Preston & Co.'s men, were busily engaged on the vessel.

4. Captain Bullock was also at the vessel at half-past 8 o'clock this morning, inspecting her gallery and other portions; he had with him the same paper, and was engaged giving directions to the men, and pointing out things which appeared to require attention. I was not near enough to him to hear what those directions were, but his manner was such as to leave no doubt on my mind that he was pointing out certain things which did not tally with the paper he had in his hands.

5. I had some conversation with one of the engineers in the employ of Fawcett, Preston & Co., whose name I do not know, but who has been continually employed on the Phantom ever since she has been on the Toxteth dock; and in reply to a question of mine as to when the Phantom was going to sail, he said he did not know, but that she was going to leave the dock on Monday to try her engines, as she was all finished, except just oiling her engines.

ROBERT THOMAS.

Sworn at Liverpool, in the county of Lancaster, the 16th day of May, 1863, before me.

ARTHUR ELLIS, a Commissioner, &c.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *May 19, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of to-day's date, enclosing a further deposition to the case of the Phantom, and I have to inform you that I have lost no time in referring the same to the proper departments of her Majesty's government.

I have the honor to be, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, May 23, 1863.

MY LORD: I have the honor to transmit the copy of another deposition relating to the case of the steamer Phantom.

At the same time, I seize the opportunity to mention that, from information received by the consul of the United States at Liverpool, I am led to the belief that preparations are actively in progress for the expediting of the Sumter from that port.

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Deposition of John De Costa.

I, John De Costa, of Liverpool, in the county of Lancaster, shipping agent and steam-tug owner, make oath and say as follows:

1. On Tuesday last, about 12 o'clock at noon, I was on the river wall, near the Sandon basin, seeing a crew I had shipped on board the Calhoun, and as the Calhoun got into the river, I saw a screw steamer, which has been built by Messrs. W. C. Miller & Sons, of this town, and called the Phantom, coming down the river, and came alongside the river wall close to where I was standing; and subsequently she went into the Sandon dock. She appeared as if she had been on a trial trip.

2. I saw on board the Phantom Mr. Mann, of the firm of Fawcett, Preston & Co., who supplied and fitted the engines on board the Phantom; Mr. Thomas Miller, one of the firm of W. C. Miller & Sons, who built her; they were on the fore-castle giving orders; and Captain Tessier, who is employed by Messrs. Fraser, Trenholm & Co., and a pilot, were on the bridge, the former being in command of the vessel and giving orders; there were also several men on hand in blue uniforms with gilt buttons.

JOHN DE COSTA.

Sworn at Liverpool, in the county of Lancaster, this 20th day of May, 1863, before me.

JAMES THORNELY,
*A Commissioner for taking Affidavits in the
Court of Exchequer at Westminster.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 23, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of this day's date respecting the Phantom, and stating that you have been informed that the Sumter is being equipped for sea, and I have lost no time in forwarding copies of these papers to the proper departments of her Majesty's government.

I have the honor, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 27, 1863.*

SIR: I had the honor, in my note of the 3d ultimo, to communicate to you the result of the inquiries which had been instituted by her Majesty's government on the receipt of your letter of the 26th of March, in which you denounced the Phantom steamer as being in course of construction at Liverpool as a vessel-of-war for the service of the so-styled Confederate States.

The evidence which I was then able to lay before you seemed to show that you had been misinformed in this respect, but as the depositions enclosed in your letters of the 16th, 19th, and 23d instant appeared to call for further inquiry, her Majesty's government did not lose a moment in causing such further inquiry to be made, and I now proceed to communicate to you the result.

First. With regard to the allegation that the Phantom has port-holes, the collector at Liverpool has obtained from the surveyor a report, from which it appears that though the Phantom has ports on deck, it is evident from their size and situation that they are intended for the escape of water, and not for guns, which the strength of the deck is not sufficient to carry; moreover, the permanent fittings on deck would interfere with the working of guns. The surveyor adds that, in his opinion, the Phantom is intended for mercantile pursuits, but whether of a lawful character or for running the blockade there is no evidence to show.

Secondly. The commissioners of customs, since the date of my last letter, have caused a strict watch to be kept upon the Phantom, but nothing has transpired worthy of special notice, and the several papers in regard to this vessel, including the depositions forwarded by you, having been submitted to the legal adviser of that board, he has reported that there is no evidence to warrant the slightest interference with her. Indeed, it is stated that during a recent interview between that officer and Mr. Squarey, the solicitor to the United States consul at Liverpool, Mr. Squarey admitted that there was no case against the Phantom, and that the recoil of a heavy gun would shake her to pieces.

I have the honor, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 30, 1863.*

SIR: With reference to my letter of the 27th instant, respecting the steamer Phantom, I have now the honor further to state to you, as regards the deposition

of Mr. De Costa, which was enclosed in your letter of the 23d instant, that her Majesty's government learn from a report of the surveyor at Liverpool that it is true that that vessel was in the Mersey on the 19th instant, removing from the Toxteth to the London graving dock, with Mr. Mann, her owner, Mr. Thomas Miller, the son of her builder, but not one of the firm, a pilot, and Mr. Tessier, on board, but that it is not correct that there were several men on board in blue uniform with gilt buttons, the fact being that there was no one on board so attired.

The surveyor further observes, that it is difficult for any one at all familiar with the construction and fittings of vessels intended for warlike purposes to account for the supposition that the Phantom is destined for such a service, her hull being of the most fragile character that can be conceived for a sea-going vessel, her steel plates being but a quarter of an inch thick, and her iron frame of the same proportion.

With reference to the Gibraltar or Sumter, which you say you are informed is being prepared for sea, I have the honor to state to you that the report from the surveyor as to that vessel agrees with the information which has reached you, so far as relates to her being preparing for sea. He, however, adds that all fittings for warlike purposes have been removed from her since she obtained her British registry, and that he has private information that it is not intended to refit her as a vessel-of-war.

I have the honor, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 30, 1863.

MY LORD: I have the honor to transmit copies of a letter from the consul of the United States at Liverpool, and of two more depositions relating to the case of the Phantom. I do not presume that they will have any effect in varying the reply already given to my former representations in your lordship's note of the 27th instant. Notwithstanding the report made concerning the objects of that vessel, I greatly fear that she will turn up in America, much in the character of the Georgiana. I can only hope for the sake of the harmony of both countries that she may meet with the same fate.

I pray, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, May 28, 1863.

SIR: I have the honor to enclose you two more affidavits about the steamer Phantom now at this port. This vessel made another trial trip on Tuesday, returning yesterday. I am informed she is to be a privateer for the so-called southern confederacy.

I am satisfied, from what I hear of this craft, that she will arm either at this or some other port, and cruise against the government of the United States.

The Hamilton referred to in the affidavits as being on board, is John Randolph Hamilton, of South Carolina, an officer belonging to the navy of the so-called southern confederacy, sent over here by that government as an assistant to Captain Bullock, to aid in fitting out and building naval vessels for the insurgents. Captain Tessier is the same man who took out the armament to the Oreto, now called the Florida, built by these same parties who built the Phantom, and who took out from Liverpool a part of the armament and Captain Semmes to the steamer Alabama. She is to sail Saturday or Sunday next.

The steamer Sumter, now called the Gibraltar, I understand, is to sail Sunday or Monday next. I think this vessel will also prove to be a privateer.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister.

Deposition of Henry Redden.

I, Henry Redden, of 16 Hook street, in Liverpool, mariner, do solemnly declare and say as follows :

I know the steamer Phantom, lately built by Messrs. W. C. Miller & Sons, at Liverpool. Said vessel went on a trial trip on Tuesday evening last, the 26th instant, and returned yesterday evening. I was on the Wellington pier when she came in, and saw her. I passed the ropes to help her into the dock. She was in command of Captain E. L. Tessier, to my own personal knowledge, the same man who formerly commanded the steamer Bahama, and who conveyed part of the armament to, and assisted to fit out, the Alabama, or 290, at Terceira. I was close to said steamer when she came to the pier, and could distinguish any person on board of her, and speak with him. There were seven gentlemen on board. I knew one of them to be one of the firm of Fawcett, Preston & Co., two of the firm of Fraser, Trenholm & Co., and a small man I heard addressed as Mr. Hamilton. The captain (Tessier) asked me how I would like to go in the vessel. I told him I would not go. He said she would sail on Saturday night or Sunday morning. He said that to the dock-master in my hearing. The crew on board told me they were engaged for Nassau; that they had been shipped on board the vessel, and not at the Sailors' Home; that they had four pounds a month, and one month in advance. Said vessel is adjusting her compass to-day.

And I make this declaration, conscientiously believing the same to be true, and by virtue, &c., &c.

HENRY REDDEN.

Declared and subscribed, the 28th of May, 1863, before me.

J. PEARSON, *a Commissioner, &c.*

Deposition of Matthew Maguire.

BOROUGH OF LIVERPOOL, *to wit :*

I, Matthew Maguire, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, commission agent, do solemnly and sincerely declare :

That on the evening of yesterday, the 27th instant, about 5 o'clock, I saw the steamer Phantom, lately built at this port by Messrs. William C. Miller &

Sons, return from a trial trip; and saw Mr. Mann, of the firm of Fawcett, Preston & Co., and Mr. Hamilton, an American, who are well known to me, on board of her. There were several others on board, one of whom I believe to be one of the firm of Fraser, Trenholm & Co., but am not sure. Captain E. L. Tessier, who is also well known to me, was also on board said steamer, and acting as master of her.

MATTHEW MAGUIRE.

Declared, &c., 28th May, 1863, before me.

HENRY DUNCAN, *a Commissioner, &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 1, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, enclosing further depositions respecting the Phantom.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 3, 1863.*

SIR: With reference to my letter of the 1st instant, I have the honor to state to you that her Majesty's government have fully considered, in communication with the law officers of the crown, the various papers submitted by you, including the depositions enclosed in your letter of the 30th ultimo, relative to the case of the Phantom, together with the information which has been obtained by the board of treasury and by the home office on the same matter, and that it appears to her Majesty's government that no sufficient evidence has yet been produced to warrant them in taking any action with respect to that steam vessel.

I have the honor to be, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, June 3, 1863.

MY LORD: I have the honor to submit to your consideration copies of two depositions relating to a vessel which has been fitting out at Stockton-on-Tees, for some purpose not usual in times of peace. This vessel is called the Southerner, and is the same to which I called your lordship's attention in my note of the 26th of March last. I think it can scarcely admit of a doubt that she is intended to carry on the same piratical mode of warfare against the commerce of the United States, now practised by the so-called Alabama and the Orcto. The person superintending her equipment appears to be the same who was equally active in the case of No. 290. I therefore feel it is my duty to call

your lordship's attention to the case in order that the proper measures may be taken in season to prevent any evil consequences to the peace of the two countries from the escape of such a vessel.

I pray your lordship to accept, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL.

Deposition of John Baxter Langley.

I, John Baxter Langley, surgeon and journalist, do hereby solemnly declare that on Wednesday, the 13th day of May, I was in Stockton-on-Tees, and that I went on board a vessel lying beside the ship-building yard of Pearse, Lockwood & Co. This ship was about 320 feet long, and had the name "Southerner, Liverpool," painted in gilt letters on her stern. She was an iron screw steamer, which I judged to be from 1,800 to 2,200 tons register. In the cabins I saw porcelain basins, marked with a palm tree, and the letters C. S. C., which I understand to mean "Confederate Screw Cutter." The same day I saw a hole being cut in her side, and judged that her iron plating, above the water-line, was about ten inches in thickness. A workman, employed on board of the ship, told me that the vessel had plates of unusual thickness above the water-line. It was notorious in Stockton, at this time, that the vessel was intended to be used "as another Alabama." I was informed, moreover, that Captain Butcher, late of the Alabama, was superintending the building of the ship, and workmen in the yard told me that he was frequently on board of her superintending the work. I also declare that I was again in Stockton-on-Tees, on Saturday, May 30, and that I noticed further that the vessel in question had had five square holes, corresponding to her deck amidships, cut in her side, and suitable for guns to be worked on her deck amidships. I also declare that I went on board the vessel on that occasion and entered into conversation with Mr. Younger, the manager of the works, who stated that the arms of the Confederate States were on the cabin window on one side, and views of Savannah on the other. He said that the vessel was intended to carry cotton from Charleston, and that Captain Butcher was to take charge of her as commander in the first instance. He said she was also to carry passengers between Liverpool and Charleston. I went over the vessel and again observed the emblems on the porcelain in the aft cabin, and that the cabin windows had transparencies as follows: No. 1, two ovals; on the right a palmetto, with fasces and axes, crossed at the foot, with a garter and motto around it as follows: "South Carolina; animis opibusque parati." On the left oval an emblem of a female presenting a cotton plant, or something of the kind, with the motto "Dum spiro, spero," and "spes." On the window, No. 2, facing this, is the British royal arms. No. 3 is a picture, which I take to be that of Charleston, with a fortification in the foreground, from which floated two large flags, the one being that known as the confederate banner, and the other "the Union jack." On window No. 4 was a picture, which I take to be that of Savannah, with a battery and gun in situation in the foreground. I saw two guns marked "G. S. Hall, S. 18s," on board. I supposed them to be about 18-pounders. Opposite the ports were rings, which I supposed to be intended to work the guns. In some cases the rings had been removed from the sockets. I went down into the hold also. One of the workmen on board told me that Captain Butcher was superintending the building of the vessel, and that he spent the greater part of his time on board, and had done so for more than a month. He said that it was quite understood that the ship was to take other guns on board from some vessel, which was to meet her at sea. He said also that Captain Butcher had engaged his crew, and that some of those

who had gone with him before were engaged to go with him again. I was also informed, on the same day, that a cargo of charcoal was to be put on board of the Southerner, so as to give off no smoke from her funnel. Mr. Younger, the manager, stated that the vessel would sail from the Tees on Tuesday evening or Wednesday morning. A common rumor states that she will leave the river on Tuesday night, and that she will stop at Middleshow till the following day, after which she will go to Hartlepool and have her compasses rectified. Other reports say that she is to go direct to Liverpool, and there take in her crew. From what I have heard and seen, I am of opinion that the ship in question is intended for the service of the Confederate States as a privateer, and that she is not for the purpose for which she is ostensibly constructed. I believe that the extensive space below and between decks is intended to contain and receive the cargoes of merchant vessels seized by this Southerner.

On Monday June 1, I went to the ship yard of Messrs. Lockwood, Pearse, & Co., and inquired for Captain Butcher. The watchman at the gate told me that "he had not seen him that morning yet, but that he might have come in through the office and gone on board the ship." I went to the office and saw a clerk there, who said that it was about Captain Butcher's time, and that if I walked up towards his lodgings I should probably meet him. He told me the way he usually came down. I understood him to say that Butcher was there regularly every day. I then went up to the place where I was told that Butcher lodged, and asked for him. I was shown in to him, and inquired whether he would have any objection for me, as a reporter connected with the London press, to go on board when she went on her trial trip from Hartlepool on Wednesday. He said, in reply, "I should not have the smallest objection; but I do not take charge of the vessel until she is quite complete." I stated that I had understood that he was in command of the ship, to which he replied: "Yes, that is quite right; but I do not like to take any responsibility until the ship is finally delivered over to me," or words to that effect. He said, further, that he would speak to the builders about the matter, and that he would meet me on board the Southerner at 1 o'clock. I went down to the quay-side, before 1 o'clock, and saw Captain Butcher on board the Southerner. I thought from what I saw that he was giving orders to men on board. I saw several of the men touch their hats to him. When I went into the yard I was told that Captain Butcher was on board the big ship, and I found him on the aft-poop, where I had previously seen him. He recognized me again, and spoke to a gentleman whom I understood to be one of the builders—either Mr. Pearse or Mr. Lockwood. He said: "Come this way and I will introduce you." I spoke with them both, and I heard the gentleman say to Captain Butcher, "I would not allow any one to go with you down the river." Then turning to me, he said: "We shall send down a train from this very early, starting about 5 o'clock, and you can join us if you like." I said that I should probably go to Hartlepool, and he then said: "Well, the harbor-master knows all about it. A vessel will be sent out from West Hartlepool about 6 in the morning." I asked Captain Butcher to give me his card as a pass, and he did so. Captain Butcher and Mr. Pease (?) then joined some visitors who were in the aft-cabin, and I joined them. One of the ladies asked what was the meaning of the C. S. C. on the plates and dishes, and basins. The gentleman said that it was not known; that it might be Charleston Steam Company, or anything else, and then laughed in a manner which led me to suppose that he knew more than he was inclined to tell. In reply to the same question Captain Butcher said that it might mean Confederate Steam Company, or Charles Spence & Company, or anything else. He laughed when he said this, in the same manner the other gentleman had done. On the same day I went to a photographer's named Guttenburgh, and there saw a picture of Captain Butcher taken in the dress of a naval officer. I had seen a cap such as the picture represented, hanging up in

his lodgings. The buckle and buttons of the uniform bear the emblem of the Southern Confederacy—the palmetto. There are also letters on the buckle, which, however, are not easily legible. I had heard that Captain Butcher was distributing these *carte-de-visites* among his friends, and I purchased one. I can declare it to be a correct likeness of Captain Butcher, and I am told that the uniform is that of the Confederate States navy. And I make this solemn declaration, conscientiously believing the same to be true, &c., &c.

J. BAXTER LANGLEY.

Subscribed and declared at Stockholm, in the county of Durham, this 2d day of June, 1863, before me, Joseph Dodds, a commissioner to administer oaths in chancery, in England.

Deposition of Wm. M. Blakiston.

I, William Milburn Blakiston, of Middleboro', engineer, do hereby solemnly declare and affirm as follows :

That is to say, that I have passed frequently up and down the river Tees, in passenger boats running between Stockton and Middleboro', and observed the building and fitting out of a vessel of large size at Messrs. Lockwood & Pearse's yard, in Stockton-on-Tees, and a rumor being quite common that the said ship was being built for the Southern Confederacy, I was led to observe more closely the building and fitting out of the vessel from time to time. On the 25th of May I observed that there had been cut on each side of the bulwark, amidships—that is, between the fore-poop and the after-poop—five square holes about 18 inches square, in each of which had been fitted a hinged flap of iron, so that, when closed, at a distance of one hundred yards nothing particular could be observed. On the same day I passed the vessel, in one of the river steamers, one of the said iron flaps was up, and, pointing its nose out of the hole was a gun mounted on a carriage. To all appearance this gun was about a four-inch bore. I had been previously told by a person, whom I believe to be credible and well informed, "that twelve (12) guns had come for her."

On the 18th of May, when I was at Stockton, I observed that there was painted on her stern, in white letters, "The Southerner, Liverpool;" but on the 25th of the said month that had been supplanted by an elaborate piece of carved work, on which was cut the name, "The Southerner, Liverpool." Above and in the centre of the inscription there was "Palm Tree" in green and gilt.

On the 30th of May I went on board the same vessel in company with Mr. J. B. Langley, of London. I was present during a conversation between that gentleman and Mr. Younger, the manager for Lockwood & Pearse. I heard Mr. Younger say that "there were the arms of the Confederate States" on the cabin window, and that there were views of Savannah on the other. Mr. Younger said that "Captain Butcher," (who is reported to be the agent for the Confederate States of America,) "was to take charge of her," meaning the vessel, "as commander, in the first instance." I saw her engines, being direct condensing engines, with two multi-tubular boilers. Mr. Younger told me that they were three hundred horse power, upon which I remarked, that seemed to be small power for a vessel of her size. In reply he observed that she was intended to navigate shallow waters, and that power did not much increase speed. I had been previously informed that a large quantity of charcoal had been consigned to a hosier in the town of Stockton, the charcoal, however, being really intended for the use of this vessel; and should such be the fact, I know that it could be used with the boilers I saw for the purpose of rapidly raising steam without any smoke. I observed two or more steam cranes on the upper deck.

In the cabins aft I saw the wash stand basins marked with the palm tree and the letters C. S. C., which I understood to mean Confederate Screw Cutter. I saw on the windows of the cabin transparencies representing what I believe to be arms of the State of South Carolina, the British arms, and a view of Savannah; also a picture of a turret with two flags, one being the confederate banner, and the other the British ensign. I saw two guns on board mounted on carriages. I had also a conversation with one of the workmen on board the ship, who told me that she had 200 ton of pig iron on board as ballast. I asked him if he thought that the two guns I had seen were sufficient for a ship of her size; and his reply was that "everything was kept very quiet; but no doubt she would take more guns on board when she got out to sea, as the other one had done." I understood him to mean the Alabama by "the other one." As Captain Butcher had been named as the commander of that vessel, I asked him if Captain Butcher spent much of his time on board the Southerner, and he replied that for the last month he had spent the greater part of his time on the vessel. He said Captain Butcher had engaged his crew, and that some of those who had served under him before were engaged to go with him again. I believe that the ship is intended to go away from Stockton, on Tuesday evening, to Hartlepool, for the purposes of having her compasses adjusted, &c., &c.

WILLIAM MILBURN BLAKISTON.

Subscribed and declared, &c., June 2, 1863, before me

J. DODDS, *Commissioner, &c.*

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 4, 1863.*

SIR: Your letter of yesterday respecting the Southerner was unfortunately not delivered at the foreign office till 8.50 p. m., some time after the business of the day was ended and the office closed.

I have, at the earliest possible hour this morning, communicated with the treasury and home department, and I have requested that orders may at once be sent by telegraph to the proper authorities to pay immediate attention to the circumstances set forth in your letter.

I have the honor to be, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, *Esq., &c., &c.*

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, June 3, 1863.

MY LORD: I have the honor to transmit copies of two depositions relating to the uses about to be made of the steamer Sumter, now called the Gibraltar. As I have already so fully explained the grounds of remonstrance against the course taken by her Majesty's government in recognizing the transformation of that vessel, I can now only express my regret that those representations should have met with so little success. I can only add, that from a knowledge of the views entertained by my government of this transaction, I feel it my duty, until

further instructed, to continue to decline to recognize any change of the character of that vessel on the high seas.

I pray, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Deposition of Moses Lansing.

To wit :

I, Moses Lansing, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, hair-dresser, do solemnly and sincerely declare—

That I reside at No. 185 Great Howard street, in Liverpool, and, in the course of my business, come much in contact with seamen; that on Saturday evening last, the thirtieth instant, four seafaring men came to my shop on business, (to be shaved and have their hair cut,) and being acquainted with one of them, I entered into conversation with them, about where they were bound to. They informed me they were working on board the Gibraltar, formerly the Sumter; that they were going to sign articles to go in her for three years; that they were not going to sign at the Sailors' Home, but on board the ship; that they were going out about Wednesday next, and expected to sign on Tuesday. That the Gibraltar was to go to Nassau from Liverpool, and that she was to go from there as a privateer, but they did not know her destination.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of an act, &c., &c.

MOSES LANSING.

Declared and subscribed at Liverpool, the 1st day of June, 1863, before me
I. PEARSON,

A Commissioner, &c.

Deposition of John Markham.

BOROUGH OF LIVERPOOL, *to wit :*

I, John Markham, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, master mariner, do solemnly and sincerely declare—

That I reside at No. 2 Pool road, Egremont; that on Saturday evening last I was in company with Thomas Burton, assistant dock-master, or dock-gateman, at Clarence, half-tide-dock, and was told by him that the steamer Gibraltar had taken on board two very large guns on Friday last; that he had seen them, and that they weighed several tons.

And I make this solemn declaration, &c., &c.

JOHN MARKHAM.

Declared and subscribed at Liverpool, the 1st day of June, 1863, before
I. PEARSON,

A Commissioner, &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *May 22, 1863.*

SIR: It was reported to her Majesty's government from New York, some little time ago, that Captain Davidson, who went out in command of the steamer Georgiana, respecting which you did me the honor to address to me sundry notes in the early spring of this year, and which is believed to have been subsequently wrecked off the coast of South Carolina, had returned to this country, and was to have command of a steamer building in the Clyde, to be called the South Carolina.

As this report may possibly have reached you also, I think it as well to inform you that her Majesty's government have caused inquiries to be made respecting this vessel, and that they have been informed by the Lord Provost of Glasgow that he has been unable to ascertain that a vessel called the South Carolina has been or is being built within the limits of the municipality over which he presides.

I have the honor, &c., &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 4, 1863.*

SIR: Your letter of yesterday, respecting the Gibraltar, or Sumter, was unfortunately not delivered at the foreign office till 8.50 p. m., some time after the business of the day was ended and the office closed.

I have at the earliest possible hour, this morning, communicated with the treasury and home department; and I have requested that orders may at once be sent by telegraph to the proper authorities to pay immediate attention to the circumstances set forth in your letter.

I have the honor to be, &c.,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Mr. Seward.

No. 427.]

LEGATION OF THE UNITED STATES,
London, June 5, 1863.

SIR: I presume it is hardly necessary to call your attention to the remarks made by Lord Palmerston in the House of Commons on Monday night upon the subject of the latest amendment of the slave trade treaty, as well as to the debate which followed. As an indication of the disposition of the ministry it is, perhaps, valuable; but I cannot flatter myself that it materially varies the impression heretofore made on me of the temper of the members generally towards America. The least that can be expected from them is abstinence from action of any kind. Thus far no sign has been given of any other policy. Neither is it now likely that any change will take place, even should Mr. Roebuck persevere in his movement on the 30th instant, unless the news from

America should, in the interval, become such as to give it some extraordinary ground of support.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Mr. Adams.

No. 620.]

DEPARTMENT OF STATE,
Washington, June 5, 1862.

SIR: Your despatch of May 14, No. 412, has been received.

I approve entirely of your disposition of the matter of answers on the part of the President to the addresses which have been made to him by British subjects in their popular assemblies. I have the pleasure to add that the replies which have already been made have seemed to give satisfaction in this country, as we perceive with gratification that they are deemed not unsuitable to the occasion in Great Britain.

The prejudice that we found prevailing in England soon after the civil war began, to the effect that this government desired to challenge Great Britain to a war, for popular effect at home, has been inveterate. It is pleasing, however, to discover that at last the equally prudent and just policy we have so constantly pursued is beginning to be appreciated by the British government. No one has done more to correct the injurious error referred to than you have done.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 622.]

DEPARTMENT OF STATE,
Washington, June 10, 1863.

SIR: Your despatch of May 21, No. 417, has been received. The very spirited and just resolutions of the citizens of York, which accompany it, have been submitted to the President, and received by him with the highest satisfaction. My previous instructions will, I trust, be a sufficient guide for you in making a proper acknowledgment of the resolutions on his behalf.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward..

No. 428.]

LEGATION OF THE UNITED STATES,
London, June 11, 1863.

SIR: I have to acknowledge the reception of despatches from the department numbered from 603 to 610, inclusive. The absence of No. 599 is still unaccounted for.

In accordance with the directions contained in your No. 604, of the 23d of May, I have prepared a note, communicating the reply of the President to the London Trades Unions, which will be despatched as soon as I have had an opportunity to submit it to Lord Russell. This week has been thus far so filled up with attendance on court ceremonials as to leave little room for the transaction of business. Last Sunday, however, previous to the reception of that despatch, I seized the occasion of a social visit to Pembroke Lodge for the purpose of presenting Mr. Everts to his lordship to show him informally the copy of your reply to the French overtures respecting Poland, which accompanied your No. 591 of the 11th of May. We learn by the telegraph in the newspapers that the reply has already been printed at St. Petersburg from a copy communicated to the Russian government, and that some form of response has been made to it, but the papers in extenso have not yet made their appearance here.

There seems to be a decided increase of the indisposition to meddle with American affairs. In the House of Lords the other evening remarks were made by Lord Stratford de Redcliffe upon the peculiar state of things prevailing throughout the continent of Europe, which may furnish some clue to the reasons for this change. I receive from very good and entirely opposite sources assurances that the policy of the ministry on this subject never was at any time so firm as now. With the remarkable decline of the uneasiness caused by the distress in the manufacturing districts all apparent excuse for advocating active measures of intervention diminishes. We have now nearly reached the term at which it was some time since announced that the great relief fund raised last season would be exhausted. Concurrently with this it was supposed that the supply of cotton to keep the operatives going would be equally drawing to a close; hence, that the great problem of the support of the industrial population would come up in all its magnitude for solution. Experience now shows that the present stock of cotton is actually greater than it was a year ago; that the aggregate number of operatives needing relief is steadily diminishing from week to week, and that the general prosperity of the country has been so little affected by the whole difficulty as to leave no doubt of its power ultimately to control it without serious derangement to its internal economy; what, with the return to the old customary works, the diversion to other forms of industry which have been quickened by the loss of cotton, and with emigration, I do not find that the question of the American supply retains the attitude of importance it seemed to occupy at the beginning of our troubles. Another year will find the sources of cotton production so much extended as to place Great Britain in a position free from exclusive dependence on the southern States for that staple. The strongest commercial tie which has thus far operated upon it to support them will thus be giving place to one that must draw it in a wholly opposite direction. Whatever sympathy with them may then be found to exist here will be of a purely political character, and not be complicated with pecuniary interests. The question thus simplified may still deeply agitate the feelings of the various classes which constitute the aggregate of English society; but it would scarcely be strong enough to compel them to a policy which might ultimately involve them actively in the struggle. Especially will this be true if there be no intermediate beneficial change in the aspect of European affairs. From conversation with persons in a situation to watch the course of things, I am led to infer that a rupture of some kind is held not to be unlikely to happen in the spring, as an alternative to escape internal commotion. Should such continue to be the appearances, it is not unreasonable to presume that the conflict in America will be suffered to pass to its natural termination without any serious effort at interposition.

Should these views prove in any degree to be correct, the labors and anxieties of the government at home will be materially reduced and simplified. The issue will then depend entirely on the firmness and energy of the great body of

the loyal people in the United States in executing the task they have before them at home. That they have the power to crush this rebellion, if they so will it, the relative situation of the combatants at the end of two years leaves no reasonable room for doubt. That their own safety in all future time requires them to persevere, would seem to be as little open to dispute. The arbitrary temper which first prompted the war, and which has to this day regulated the conduct of it, resting as it does upon an assumption of an unlimited power to enslave a portion of the human race, if once recognized in form, can never be otherwise than dangerous to the peace of mankind. It must be broken, first by force, and next by removing forever the element which supplies its vital strength. The cost of this process to the generation now in being may be fearful; but it will be compensated out of all measure in the security afforded to those yet to come. That the government needs only the support of the nation to bring about the results here indicated, by the use of all the means at its command, I do not for a moment doubt.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 629.]

DEPARTMENT OF STATE,

Washington, June 17, 1863.

SIR: Your despatch of the 5th of June (No. 425) has been received. The several notes which you have addressed to Earl Russell on the subject of hostile naval armaments which are being prepared in British ports, copies of which notes are appended to the despatch, are approved. It is a source of profound regret that the prospect that these armaments will be prevented by her Majesty's government is now by no means as hopeful as it seemed when the officers of the crown interposed to arrest the *Alexandra*.

I have placed your despatch and its accompaniments in the hands of the Secretary of the Navy, in the hope and belief that he will be able to prosecute the great work of enlarging our navy so as to be able to meet with constantly augmenting force the increasing number of our assailants. While we are thus steadily and regularly increasing our naval defences, we trust that her Majesty's government will abate no effort that it can make to put the anti-foreigner enlistment laws of Great Britain in force against a class of persons whose enterprises will, as we feel assured, prove in the end to be as fruitful of evils to that country as they are to our own.

Let us suppose that, through the inefficiency of British administration or of British laws, the people of South Carolina and neighboring States should be able to bring a self-sustaining fleet upon the high seas from the British shores at a moment when, madly waging war against the United States, the system of slavery, which is confessedly to be the corner-stone of their projected social and political systems, is passing away forever. What could be expected in that case but the employment of that same naval force to cover a replantation of the cotton and sugar fields of the south through a revival of the African slave trade? Would the slaveholders of the insurgent States, once independent and sovereign, be any more tolerant of opposition from strangers in Europe than they now are of resistance by their own brethren in America? Would they enter into treaties with Great Britain to suppress the piracy, on the continuance of which they must depend for their very existence? Would they recognize and execute the

treaties to that effect which we have made for them? Certainly not. What, then, would be before the world as the first fruit of the sovereignty of the insurgents? The restoration of the African slave trade. Where would the wicked and devastating traffic end? Would it be confined within the insurgent States? Would it turn aside from the shores of the gulf? Would it brook opposition in the British islands? If this danger seem imaginary, it can seem so only because, notwithstanding all the favor the insurgents are receiving in Europe, the maritime powers on that continent expect, and justly expect, that the United States will suppress the insurrection and maintain the federal Union. But those powers and all other existing powers have the same motives as the United States for preventing the renewal of the African slave trade. The conjuncture is favorable. If it were either liberal or just for other nations to increase the difficulties and embarrassments of the United States, would such a course be wise? The President has observed with much satisfaction that the anti-slave trade conventions which we have recently entered into with Great Britain have elicited ready approbation in the British legislature. This circumstance has suggested the thought that British statesmen might not be now altogether unprepared or unwilling to look at the possible tendency, which I have indicated, of the very injurious naval preparations which are going on in Great Britain with a design to overthrow the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 630.]

DEPARTMENT OF STATE,
Washington, June 18, 1863.

SIR: I transmit with this despatch a copy of a letter of the 4th instant from Edward Mott Robinson, H. L. Howard, executrix of B. Howard's estate, and John A. McGaw, and of the extended protest which accompanied it, relative to their claim on the British government on account of the destruction of the ship *Golden Eagle* by the armed insurgent steamer *Alabama*.

As one of the claims of citizens of the United States, growing out of the lawless depredations upon American commerce by insurgent vessels sent out from British ports, I have to request you to bring it under the consideration of her Majesty's government in such manner as may seem to you most appropriate.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 631.]

DEPARTMENT OF STATE,
Washington, June 18, 1863.

SIR: Your despatch of the 4th of June (No. 424) has been received. The President receives with deep regret information of the interruption of diplomatic intercourse between her Majesty's government and that of the Emperor of Brazil. It seems that the difference which has separated the two powers was reduced

to a very narrow line, and it is sincerely to be hoped that some amicable way may be speedily found to cause it to disappear.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 632.]

DEPARTMENT OF STATE,

Washington, June 18, 1862.

SIR: Your despatch of the 5th instant (No. 427) has been received. The exposition of the character of the amended slave trade treaty, given by Lord Palmerston in the House of Commons, has been read here with much satisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 432.]

LEGATION OF THE UNITED STATES,

London, June 18, 1863.

SIR: I have the honor to transmit a copy of a note from Lord Russell to me, of the 12th instant, in reply to my representation of the case of the steamer Southerner, as reported in my number 425, of the 5th of June. I had not been led to expect any other answer, especially after I learned that the deposition of the principal witness, Mr. Langley, was put at once into the hands of the parties complained of. This is not the first time that the action of the subordinate officers employed by the government has had the effect of preventing rather than promoting the development of testimony likely to inculpate the offenders. Thus it happens that the Phantom has actually sailed, and the Southerner will soon sail, probably to turn up, in some shape or other, as active participants in the hostilities carried on by the rebels on the ocean, against the people of the United States.

The trial of the Alexandra is now set down to take place on Monday next, the 22d instant. Mr. Evarts will probably give you such information, in regard to the preparation of the case for the prosecution, as may dispense with the necessity of my enlarging upon it further. I cannot say that my hopes of success are very sanguine. The state of opinion is not such here, on the question of furnishing assistance to the rebels, as to counteract the prevailing disinclination to carry into effect the provisions of the enlistment law in any case. The predominating idea of the commercial classes is trade; they care not with whom, or with what consequences, short of absolute war. Juries are, therefore, likely to be slow to condemn any enterprise which is not marked as a direct hostile act. The government itself has too slight a hold on the confidence of Parliament, or the classes that it represents, to make it very strenuous in advocating any dubious cause. For these reasons I am not particularly confident of such a result as would be decisive of the maintenance of cordiality between the countries in regard to future outfits. The great issue that yet remains will be upon the iron-clad vessels building at Liverpool and Glasgow. This will probably come up somewhere in the month of August. That it will be materially

affected by the law doctrines promulgated in the course of the pending trial can scarcely admit of a doubt. I am glad to find that Mr. Evarts is not without hopes of favorable results. A longer experience of the tendency of things in England qualifies mine very considerably.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *June 12, 1863.*

SIR: At the same time that I communicated to the lords of the treasury and to the secretary of state for the home department, as I informed you in my letter of the 4th instant, the statements respecting the Southerner, contained in your letter of the 3d instant, I submitted those statements also to the consideration of the law advisers of the crown; and I have since learned from them that, in their opinion, the evidence supplied by those statements would not support a charge against the vessel that she is so equipped, or fitted out, or destined, as to constitute a breach of the provisions of the foreign enlistment act, and that it, consequently, did not afford sufficient warrant for arresting the vessel.

The greater portion of the two depositions enclosed in your letter consists of hearsay matter, or statements of mere belief, which, according to American equally with British law, are inadmissible in a court of justice, and upon which her Majesty's government could not legally proceed.

Attention will, nevertheless, continue to be paid to the vessel, with a view of guarding, as far as possible, against her being equipped in this country in a manner inconsistent with the provisions of the foreign enlistment act.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Adams to Mr. Seward.

No. 434.]

LEGATION OF THE UNITED STATES,
London, June 19, 1863.

SIR: Your attention will doubtless have been drawn to the report of a debate^e in the House of Lords, on Monday evening, the 15th instant, on the questions raised by the Earl of Clanricarde respecting the action of the United States vessels on the ocean. It will be some cause of satisfaction to you to find both Lord Russell and the Duke of Somerset ready to bear testimony to the fairness of the proceedings of the commanders, and particularly to the deportment of Admiral Wilkes. Considering the predisposition that unquestionably prevails here to find fault with everything done on the part of the United States, it is rather a cause of congratulation to find that the steady policy of the government is gradually compelling testimony to its comity, in the execution of its conceded rights.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 634.]

DEPARTMENT OF STATE,
Washington, June 22, 1863.

SIR: Reports from Vicksburg and Port Hudson state that the sieges of those places still continue. We learn to-day, through the insurgent press, that the *Fingal*, which, during her long imprisonment at Savannah, had been converted into an iron-clad ship-of-war, was last week captured by two of our iron-clad ships, on her attempting to leave the port and enter upon her work of piracy.

I informed you by the last mail that Lee's insurgent army had been put in motion, and that General Hooker had consequently taken a new position with the army of the Potomac. These changes have been attended by much activity of the cavalry of both armies, thus far unfruitful of important results. While due efforts have been made to prepare against surprise upon our part, the enemy's plan of attack has not yet been satisfactorily ascertained.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 437.]

LEGATION OF THE UNITED STATES,
London, June 25, 1863.

SIR: I doubt whether it be strictly within the line of my duty to call to your notice a proceeding, originated by Mr. M. D. Coaway, the nature of which is explained in a correspondence between him and Mr. Mason, lately published by the latter in the London newspapers, doubtless in the hope of gaining some fancied advantage or other by it. The executive committee of the Emancipation Society, fearing that it might be supposed to have given some countenance to the apparent pretension of Mr. Conway, adopted a resolution, a copy of which was put into my hands by their president for transmission to you. I have concluded to send it, rather as showing the very friendly spirit of that organization than as having much intrinsic importance. The act of Mr. Conway injures himself more than any one else. Nobody is more sensible of the error he committed than himself. He has called to see me, and has expressed so frankly his regret, as well as his entire loyalty to the government, that I cannot help feeling his mistake to have originated rather in his want of practical experience, and in his deference to injudicious advisers, than in any serious intention to do evil. He signified his wish to exonerate himself from all suspicion of disloyalty to the government by addressing a letter to you, if I thought such a course proper. I replied that the question seemed to me purely a personal one. If he, as a good citizen, was anxious to redeem himself in the eyes of the President from such suspicion, a private letter, addressed directly to you, would probably be received with good will and would have the desired effect.

It is one of the peculiar circumstances attending the present crisis that many Americans come to this country impressed with a strong conviction that in some form or other of public address they shall be able to produce a decided effect on public opinion favorable to the United States. Most of these persons, utterly unconscious of the difference in the social organization of the two countries, and of their habits of thought, the imperfect information as to America, the prejudices and passions prevailing here, proceed very much in the same way that they would in an election canvass at home. The consequence is, not un-

frequently, the commission of mistakes, which, if they have any effect at all, do harm rather than good to the cause they advocate. With the best intentions they frequently misconceive the means of prosecuting them to advantage. Laudations of the institutions, the resources, or the men of America, in which they are naturally apt to deal more or less freely, are likely to have an opposite effect to that which is expected; whilst strictures and criticism are seized upon and made use of to our disadvantage as undisputed truth.

Mr. Conway has gone much further in error than most of his class, owing, no doubt, to an idiosyncrasy which has heretofore kept him standing rather alone, even among ourselves. But I much fear the presence of any of them is seldom to be ranked among the auspicious events to a permanent good understanding between the two nations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Meeting of the executive committee of the Emancipation Society, June 22, 1863.

Resolved, That this committee, having made arrangements for the lecture recently delivered at the London Tavern by Mr. M. D. Conway, and at which Mr. Bright, M. P., presided, deem it right to record that they were entirely ignorant of the correspondence which has taken place between Mr. Mason, the emissary of the so-called Confederate States, and Mr. Conway, until the letters were made public by the former. Moreover, that they can only look for the progress of emancipation in America to the anti-slavery action of the government of President Lincoln and of Congress, and not to the unauthorized negotiations betwixt any section of northern politicians and the leaders of the rebellion. Also, that a copy of this minute be transmitted to Mr. Conway.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 438.]

LEGATION OF THE UNITED STATES,

London, June 26, 1863.

SIR: By the present conveyance, copies of the newspaper report of the trial of the Alexandra, as well as of a special report made under the direction of Mr. Dudley, the consul at Liverpool, will be transmitted to you. Although the result varies little from my anticipation of it, as expressed in my No. 432, yet some of the details are unexpected, and furnished much food for reflection. The presiding judge has decided the cause, and that upon a construction of the enlistment act which leaves nothing of it, as a penal measure of prevention, but the name. Without the interposition of some new barrier, Great Britain must, from this time, appear as ready to furnish the means for any and every enterprise that may be undertaken, within her limits, against nations with which she professes at the same time to be under the most solemn engagements to keep the peace.

As exceptions have been taken by the government against this ruling, the case will now be carried up to the full bench. In case of their confirming it, I understand the intention to be to take an appeal to the House of Lords. Prac-

tically, therefore, no change in the relations of the parties is likely to occur for some months. The *Alexandra* will remain under interdict, and there will be no relaxation of the efforts to check the progress of the steamers yet building. This will furnish a useful delay, as well to consider the precise position in which the two countries are now placed relatively to each other, as to mature the policy which it will be deemed proper to adopt to meet the emergency.

Obviously the first idea is, that the obligations upon the two nations in regard to neutrality are not left reciprocal, as they should be. Whilst the United States execute the law enacted to make them good, Great Britain practically invalidates them by raising up a judicial construction which annuls its own statute designed to the same end. One of two consequences would seem necessarily to follow: either Great Britain must interpose a new and more effective remedy, or else the United States must withdraw theirs, at least so far as it may apply to Great Britain. If the latter country be content to abide by this arrangement, I am not quite sure that we should be the first to complain. In the long run she has quite as much to lose by lax morality on the ocean as any nation. The duty is, however, not the less incumbent to force her to accept the issue, and to place on record either her acknowledgment of her international obligations, or her release of other nations from the necessity of observance of the same towards herself.

The next point naturally relates to the consideration of proper measures to meet the difficulties that must ensue from any adverse position that may be taken by Great Britain. In the present state of feeling here among the commercial classes, it is not to be doubted that all possible facilities would be readily furnished for waging an effective and exterminating war upon our commerce from British ports. The vessels now building would be sent forth, and new ones started. All of them would be armed and manned with little further molestation. The effect would scarcely fail to be to protract the war indefinitely—perhaps even to turn the scale on the side of the rebels. The only practicable mode of deterring persons from such projects would seem to be not so much a declaration of hostile intentions as prompt preparation on the ocean to check the tendency in its commencement. It is much to be regretted that already three armed vessels are combining their operations to annoy us, and as yet, it must be confessed, with the appearance of perfect impunity. The hope of ultimately concentrating such a force as may strike a sudden and effective blow on some weak point in our coast is not yet abandoned. I fear that we may have been turning our attention too exclusively to the preparation of unseaworthy vessels to be in a condition to face this new danger. What we now need is swift and strong ships of war on the ocean. That the Americans cannot, if they please, make these as effective in every way as any that may be constructed in this island, I should be slow to believe. The very presence of such in proper force, and commanded by competent officers, in the waters of Europe, would be more likely to be the means of preserving the peace in the contingency now apprehended than all other expedients put together. I trust that before the period shall come round for action we may be found in a condition to take it with effect.

The question proposed by Mr. Roebuck, as a test of the sense of the House of Commons on America, is assigned for the 30th instant. I understand it is yet to be modified, so as to fit the proposed minimum of resistance that can be applied to it. In the meanwhile Messrs. Roebuck and Lindsay are reported to have been to Paris, acting in the capacity of self-appointed negotiators for the co-operation of the Emperor of the French, and to have obtained some sort of favorable expression of sentiment from him. This is a new species of influence to bring to bear in England with any hope of success.

The past week has been marked by two extraordinary events in Parliament, which will not have escaped your observation. The first was the singular

manner in which a debate on Poland, which had been assigned to take place in concert with the ministers, was suddenly suppressed without any assignment of a cause. The second was the exposition made of the present condition of Ireland by the Irish members.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c.

COURT OF EXCHEQUER, JUNE 22.

(*Stitings at Nisi Prius, at Westminster, before the Lord Chief Baron and a Special Jury.*)

THE SEIZURE OF THE SHIP ALEXANDRA.

THE ATTORNEY GENERAL V. SILLIM AND OTHERS, CLAIMING THE ALEXANDRA.

This is an information filed by the attorney general on behalf of her Majesty against 12 persons. (including the builders of the ship,) alleging the forfeiture of the vessel *Alexandra*, which had been seized while lying in the Toxteth dock, Liverpool, by desire of the government, by a custom-house officer named Morgan, under the powers contained in the 7th section of the foreign enlistment act, 59th of George III, chap. 69. Although the information contains the names of 12 persons, five only appear, namely: H. Sillim, Henry Berthin Preston, Jacob Willink, David Wilson Thomas, and William Thompson, all of whom are carrying on business together at Liverpool as engineers and iron founders. The ship in question was built by Messrs. Miller & Sons, and as soon as launched was taken into the Toxteth docks, where the defendants proceeded to fit her with engines and a screw propeller. The American States have persons in their service here whose business it is to be always on the *qui vive* and watch over the interests of their employers. From inquiries they made, as well as from personal observation, they thought proper to make certain communications to our government, and the consequence was, that an order was given that the seizure should be made at once; and it was done accordingly. The defendants having made an affidavit that the ship was their property, they were allowed to enter an appearance and defend their claim. The case is one, from every point of view, of very great and grave importance; and although the foreign enlistment act was passed in 1819, this is the first time that a case has been brought to trial under it. The facts involved in this matter and the real issue to be tried are simple and narrow enough; but as everything will be required to be proved, the proceedings may run to a considerable length. The present proceedings involve whether, under all the circumstances, the step taken by the crown was justifiable, and the defendants amenable to the law under the section above referred to, and which runs as follows: "That if any person, within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained as aforesaid, equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or if any foreign colony, province, or part of any province or people, or if any person or persons exercising or assuming to exercise any powers of government in or over any foreign state, colony, province, or part of any province, or people, as a transport or storeship,

or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising or assuming to exercise the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country; with whom his Majesty shall not then be at war, or shall within the United Kingdom, or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to his Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, any such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted; and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade and navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of his Majesty's customs or excise, and the officers of his Majesty's navy, are empowered respectively to make seizures under the laws of customs and excise, or under the laws of trade and navigation; and that every such ship and vessel, with her tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores, which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner, and in such courts, as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation." The information contains 98 counts, and is framed upon the above section of the statute. The 1st count charges that the claimants, &c., on the 5th of April did equip the said vessel to employ her in the service of the Confederate States of America, with intent to cruise and commit hostilities against the republic of the United States of America. The 2d charged that the claimants on the same day did equip the said vessel to employ her in the service of the Confederate States of America, with intent to cruise, &c., against the citizens of the republic of the United States of America. The 3d count charges that the claimants, &c., did equip the vessel with intent to cruise, &c., against the republic of the United States of America. 4th, that the claimants did equip the vessel with intent to cruise against the citizens of the United States of America. 5th, charges that the claimants did equip the vessel to employ her in the service of persons exercising powers of government over the Confederate States of America, with intent to cruise against the republic of the United States of America. The 6th count charges that the claimants did equip the vessel with intent to employ her in the service of persons exercising powers of government over the Confederate States of America, with intent to cruise against the citizens of the republic of the United States of America. The 7th count charges that the claimants did equip the vessel with intent to employ her in the service of persons exercising powers of government over part of a certain foreign people, with intent to cruise, &c., to wit, against the republic of the United States of America. The 8th count charges that the claimants did equip the vessel to employ her in the service of persons exercising powers of government over part of a certain foreign people, with intent to cruise, &c., to wit, against the citizens of the republic of the United States of America. The 9th count to the 16th count charge the same as the first eight counts, saying "furnish" instead of "equip." The 17th count to the 24th count charge the same as the first eight counts, saying "fit out" instead of "equip." The 25th to the 32d count

charge the same as the first eight counts, saying "attempt and endeavor to equip" instead of "equip." The 33d count to the 40th count charge the same as the first eight counts saying "attempt and endeavor to furnish" instead of "equip." The 41st count to the 48th count charge the same as the first eight counts, saying "attempt and endeavor to fit out" instead of "equip." 49th to 56th counts charge the same as the first eight counts, saying "did procure to be furnished" instead of "equip." 65th to 72d counts charge the same as the first eight counts, saying "did procure to be fitted out" instead of "equip." 73d to 80th charge the same as the first eight counts, saying "did knowingly aid, assist, and be concerned in equipping," instead of "equip." 81st to 88th counts charge the same as the first eight counts, saying "did knowingly aid, assist, and be concerned in furnishing," instead of "equip." 89th to 96th counts charge the same as the first eight counts, saying "did knowingly aid, assist, and be concerned in fitting out," instead of "equip." 97th count charges that the claimants did attempt to fit out the said vessel to employ her in the service of persons exercising powers of government over part of a certain foreign people, as a transport or storeship, against the republic of the United States of America. The 98th and last count charges that the claimants did equip, furnish, and fit out, and did attempt and endeavor to equip, furnish, and fit out, and did procure to be equipped, furnished, and fitted out, and did knowingly assist and be concerned in the equipping, furnishing, and fitting out of the said vessel, with intent to employ her in the service of certain foreign states and of divers persons styling themselves Confederate States of America, and of persons exercising powers of government over part of a certain foreign people, as a transport or storeship, with intent to cruise against the republic, and also against citizens of the republic of the United States of America. To these counts the claimants pleaded that the said ship or vessel, furniture, tackle, and apparel did not, nor did any or either of them, or any part thereof, become nor is the same or any or either of them, or any part thereof, forfeited for the several supposed causes, in the said information mentioned, or for any or either of them, in manner or form as by said information is charged.

The attorney general, the solicitor general, the Queen's advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, were counsel for the crown; Sir Hugh Cairns, Mr. Karstlake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay, appeared for the claimants.

The attorney general, in opening the case, said the present was so far singular that, although the act of Parliament upon which it was founded had been passed so far back as 1819, and though it was true that various proceedings were commenced from time to time under that act, he was not aware until to-day that any question like the present had ever been brought to trial. This information was a proceeding on the part of the attorney general calling for the forfeiture of a vessel called the *Alexandra*. The act upon which the information was founded was familiarly known as the foreign enlistment act, and under this act, upon information received, the government caused the seizure of the *Alexandra* to be made on grounds which, if made out, would establish the forfeiture of the vessel. So soon as the seizure had been made the defendants, who trade under the style of Fawcett, Preston & Co., as engineers and iron founders, made an affidavit under the provisions of an act of Parliament, claiming the seized ship as their property, and, therefore, according to the prescribed rules, they were allowed to enter an appearance and defend their claim upon this occasion, and thereby put upon the crown, as between the crown and themselves, the burden of proving a sufficient cause to justify the seizure and affirm the forfeiture. Two acts of Parliament were passed, one in the 9th of George II, and the other in the 29th year of the same reign, both of which acts had a narrower scope than the act in question, and related only to the enlisting of English soldiers in the ranks of foreign armies. In both of these acts such enlistment was made a felony, punishable by death. The consequence of that

severe punishment was that no conviction could be obtained, and, therefore, by the foreign enlistment act, not only were the provisions of the former acts extended so as to apply to the case they now had to consider—that of equipping and furnishing ships to be employed in the service of foreign governments against other countries and states at peace with the British crown—but the offence was reduced to the minor class of misdemeanor, and, instead of death being the penalty, forfeiture of the ship, and in some instances fine or imprisonment. He should mention that the present case had arisen out of hostilities which were now being carried on between the United States and certain states which were formerly willing members of the Union; he meant the Confederate States. Those being the belligerent portion out of which or with respect to which the present proceedings had arisen, he might mention that, previous to the passing of the foreign enlistment act in this country, the government of the United States of that day had devised means to the same end; for in 1794, and again in 1818, by acts of Congress, provisions were made similar to those contained in the foreign enlistment act; therefore, in passing our act of 1819 we may be said to have followed the example of the United States. In the American acts provisions were made making it a misdemeanor to be concerned in fitting out vessels much in the terms of our act, and the law in America was the same to this day. With regard to the objects of the passing of the foreign enlistment act, our two earlier acts did not seem to have contemplated the question of neutrality, but simply the direct defence of the crown. He would not say a word to them upon the importance of neutrality on the part of a state at war with neither one of the belligerents nor the other. They were aware that the sovereign of any state could not allow his forces to interfere in a pending war without thereby becoming a party to the contest—the ally of the one, and the enemy of the other. But, with regard to the subjects of foreign states, their interference with neutrality by lending aid to either of the parties did not of itself necessarily involve their sovereign whose subjects they were in the pending war. At the same time, such acts were calculated to give great umbrage to the state against whose arm they were directed. They were calculated to beget complaints, possibly recrimination, and their tendency, in fact, if not checked, was to involve the neutral sovereign, without any will or disposition of his own or his government, in the war in which his subjects, under these circumstances, thought proper to take a part. It was, therefore, not only the duty of neutral governments to provide as far as might be against this mischievous intermeddling of their own subjects with the quarrels of other states, but it was their duty as well as their interest to do so. Therefore, the policy of the act of Parliament—and that might be adverted to for a moment—could not admit of any doubt, and more especially when we regarded its possible bearing on the government of the United States, which, as he had before mentioned, had recorded upon its statute, books enactments similar to this, which would tell forcibly on this country if it were at war, and the United States neutral. Therefore, in the passing of the foreign enlistment act, we did but follow the example of the United States of America, and that brought him to what much more concerned the case, namely, the hostilities out of which the necessity, no doubt, for such an interference on the part of the crown as the present, had arisen. In June, 1861, the southern States, now familiarly known as the Confederate States, determined to secede or secede from the Union with the northern States, and a war broke out, which had now unfortunately raged for two years, involving great suffering and very great misfortune, and which conflict had extended its baneful influences much beyond the confines of the territories of the northern or of the southern States, and had involved a considerable body of the laboring population of this country in destitution and dependence upon others for their support. The war, however, having broken out, it soon became apparent that, although it was on the part of the seceding States a revolt against the government under which they

had formally lived, yet the organization and the power of self-defence and carrying on of military operations, according to the regular rules of war, were such as regarded states not involved in hostilities, it was right that, although a recognition of the confederates as an independent power was out of the question, yet it was right they should be admitted by other nations within the circle of lawful belligerents—that is to say, that their forces should not be treated as pirates, nor their flag as a piratical flag. Therefore, as far as the two belligerents were concerned, on the part of this and other governments, they were so far put on a level that each was to be considered as entitled to the right of belligerents—the southern States as much as the other. It then became proper, according to the course usually adopted, that a proclamation, called a proclamation of neutrality, should be issued by the crown, with a view, in the first place, of making public the intention of the crown to preserve an honest neutrality, and, in the next place, to warn the subjects of the Queen to observe the neutrality which the sovereign had taken upon herself, and that they might not offend against the law by inadvertence or ignorance, and plunge into responsibilities and liabilities which, possibly, if they had been better informed, they might have avoided. On the 13th of May a proclamation was issued. The learned attorney general read the proclamation, which stated that Great Britain being at peace with the United States, the subjects of Great Britain were required to preserve a neutrality in the hostilities being carried on by the northern and southern States. The attorney general went on to say, as to the American war, one was a regular government, long since recognized by the government of this country, and still at amity with Great Britain. The character of the other was of a different kind, and that led him to mention that one of the objects, he thought the main object, of the foreign enlistment act being passed, was to prevent any doubt being entertained on the subject of the character of one of the belligerents being that not of a recognized government—not of a government only; it was to make it clear that aiding in equipping ships for a *de facto* government was to have the same effect, and induce the same punishment and result, as though the government sought to be served in military or naval operations was an established and acknowledged government. The consequence was, that, the Confederate States as belligerents having been conceded, it followed that all the provisions of the foreign enlistment act went to render assistance given to the Confederate States liable to the same punishment as if it had been given to those they opposed; he meant the government of the United States. This brought them up to May, 1861. The seizure of the *Alexandra* took place at Liverpool, a commercial resort, before the war, of the traders from all parts of the Union and the south. The ships of the north and the south equally and in common betook themselves to a large extent to the harbor and docks of that port, and it was natural, therefore, that on the outbreak of the war one of the belligerents, who must be in want of those requisites without which it was difficult or impossible to carry on war with effect, should try to avail themselves of the knowledge of their old acquaintances and their former connexions to obtain that which, for the purpose of war, they might require; and particularly that the Confederate States, being without a navy or any force of their own to keep the sea, should endeavor to repair that defect. During the last year and the present we had heard from time to time—it was a matter of common intelligence, and, he might say, history—that such attempts had been made; and, although they were not here to try any question relating to the *Alabama*, a well-known cruiser, yet it was a matter of common history now that that vessel had been procured at Liverpool; that she left that port without any armament, and subsequently obtained one on the sea, and that she then became, as she now avowedly is, one of the naval fleet of the southern States, and had certainly vindicated her right to that character by no very measured or sparing interference with commerce and the ships and with the citizens of the United States.

The government of America had its agents at Liverpool; and it was to that government a matter of great moment that if any lawful interference exercised by the powers here could prevent assistance being rendered to the southern States, that interference should be exercised. Their agents at Liverpool were on the alert, inquiring and observing closely what might be going on, with a view to rendering assistance of the kind referred to. The information gained from time to time was communicated to the executive of this country, and at last, in the month of April, 1863, information being sent, which appeared to the crown to warrant the interference which took place, the *Alexandra* was seized as a forfeited vessel. She was lying at the time at the Toxteth dock, Liverpool. She had been launched from the building-yard of Messrs. Miller the month before. At the time of the seizure Miller's men were on board of her. She was a vessel of no great size, being about 120 tons burden. She was strongly built of teak-wood, and was in many respects different from vessels employed in the merchant service; and it would be for the jury to say by and by, having regard to the vessel itself and its materials, whether the vessel had been fitted for the merchant service or for warlike purposes. The learned attorney general then described from a photograph the position of the ship at the time of her seizure and the appearance she presented. The attorney general went on to say the vessel had proceeded so far as to leave no reasonable doubt that the destination of the vessel, in whatever quarter of the world she was to be employed, was a warlike destination. The charge against the defendants was that the *Alexandra* was fitted out or equipped, or permitted to be equipped, to harass and be hostile to the government and citizens of a state with whom her Majesty was at peace. There were many persons intimately mixed up with the seizure and forfeiture besides those who had put in their claim. Miller & Sons were the builders, and were in actual possession of the vessel up to the time of her seizure, although the defendants had claimed her. The claimants were engineers, and supplied the vessel with engines and guns, and other materials that would be required for the completion of the vessel. There was one gentleman who had interfered in the matter, a Captain Bullock, an officer in the naval service of the Confederate States, and the evidence would go to show that he was, for particular purposes, an agent of the Confederate States. The same remark would apply to a Captain Tessier, who was in the service of Frazer & Co., merchants, at Liverpool, who were very much mixed up in the interest of the Confederate government. There was also a Mr. Hamilton, a naval officer in the Confederate States, standing in the same position as Captain Bullock. All these persons had more or less interfered with the building of the *Alexandra*. Assuming all the facts to be made out—and they (the jury) were to adopt the conclusion of skilled witnesses as to the destination of the vessel for warlike purposes—they would have to ask themselves whether it could be doubted that the Confederate government had an interest—an immediate interest—in the completion of the vessel. The attorney general then went into the evidence he proposed to call to prove his case, but as we have given it somewhat in detail below, it is needless to touch upon it further.

The Queen's proclamation of neutrality, dated the 13th of May, 1861, was put in and read by Mr. Henry Pollock, the associate.

Edward Morgan was then called and examined by the solicitor general:

I am the surveyor of customs at Liverpool, and, acting under the orders of the crown, seized the ship *Alexandra*. I saw her on the stocks of Miller & Co., the builders. She was launched in the early part of March. I know Miller and two of the sons; William Miller is the father. Thomas Miller was active in the yard. When I seized the vessel men were engaged on board of her. They were fitting the stanchions for the hammock nettings. All three of the

masts were up, and lightning conductors on each mast. Her gross tonnage was 153 tons by the new mode of admeasurement; builders' measurement, she is about 250 tons. I stopped the workmen two or three days after the seizure.

Cross-examined by Mr. Karlake.

I acted under the orders of Mr. Price Edwards, the collector of customs. I had no communication with any other person. I never was at the office of Duncan & Co. I saw the vessel in the course of building. She was seized in the Toxteth dock. I have known Miller for years. He carries on a considerable business. The name is up on the yard, "W. C. Miller." That, I think, is the only name up. I have seen Thomas Miller in the yard from time to time. He is about three and four and thirty. Mr. Miller is between fifty and sixty years of age. I have been in charge of the ship since. Our officers are on board, and I go from time to time. She has been visited by most of the customs surveyors. She has been an object of attraction. I have seen one shipwright examining her—I forget his name. He was there three weeks after I had seized the vessel. I have not seen him here. Dawson is his name, now you have mentioned it. I went to the vessel with Mr. Hobbs, an admiralty agent. I have not seen Captain Englefield there.

Joseph Acton, examined by Sir R. Phillimore.

I know the firm of Miller & Sons, and have been employed there as a day and night watchman. I commenced about fifteen months ago, and ceased to be so employed six or eight weeks ago. I remember the Alexandra being built in their yard.

Did you ever hear Miller or his sons speak of her by any name?

Sir Hugh Cairns objected whether any answer which might be given could be taken as evidence against Fawcett & Co., the defendants.

Sir R. Phillimore. Did you ever hear the Alexandra described or called by any name by Miller—I will not say, or his sons?

The attorney general. The question is put to show what her then character was.

The lord chief baron. That could be proved by other evidence.

The attorney general. We want to obtain some evidence of the use that was to have been made of her, or, rather, some evidence descriptive of her then state, and the character of her.

Sir Hugh Cairns objected to the question on the ground that any answer to it could not be evidence at this stage of the cause. Up to this moment there was no evidence of any connexion between Fawcett, Preston & Co., who claim the ship, and Mr. W. C. Miller.

The attorney general submitted, the question was admissible. The vessel being then under the dominion of Miller, any description he might give of her would be evidence as to her construction. Any declaration of the builder of the vessel ought to be received.

The solicitor general also urged that the question was admissible. Fawcett, Preston & Co. had, under the statute 16th and 17th of Victoria, chap. 107, made an affidavit claiming the vessel. Possession is *prima facie* evidence of ownership; Miller was in possession. There was no evidence of ownership anterior to the seizure.

Sir R. Phillimore was also heard on the same side.

Sir Hugh Cairns replied that possession was not to be taken as ownership; and, further, because the attorney general had opened that the vessel was being built for the Confederate States.

The lord chief baron thought the expressions or descriptions given by

Miller could not be received for the purpose for which it had been offered. With respect to the ownership, in one sense, when the vessel was in the hands of the builder, it was his actual-property; but inasmuch as the defendants have claimed her, he must take it *prima facie* to be true. Would a declaration by the builder be evidence against persons who might employ him? He is only employed for one purpose, and not to make admissions for Fawcett & Co.

The attorney general. I shall think it my duty to tender a bill of exceptions to your lordship's ruling.

The lord chief baron. I will consult Baron Martin, who is here, upon the subject. I have no doubt about the matter myself.

Examination continued.

I know Fawcett, Preston & Co. I know Hamilton, and have seen him in Miller's yard during the building of the vessel; he has been there frequently, once or twice a week. He noticed the Alexandra when he came into the yard. Mr. Bullock used to come with him, and they examined the vessel together more than once. I am not aware that they gave orders respecting her. I have heard Hamilton speak to Miller about her. I have heard Bullock also speak to Miller about her. I knew a Mr. Mann. He is a member of the firm of Fawcett & Co. I have seen him on board of the Alexandra, but never heard him give any orders about her. He would remain an hour or half and hour. I never saw him go on board any other vessel there. They came in with an order.

Cross-examined by Mr. Karlake.

I had nothing to do with building ships, but stood at the gate of the yard. I don't know when I was discharged. It was about six weeks ago. Since I left them I have been driving a cab. I have seen a man named Barnes, and I don't know, I swear, that he went to Maguire's. Maguire is a detective officer. I have not been to the office of Dunean & Co. I don't know that any one from them came to me. I saw Maguire three or four weeks after I left Miller. Many people came on business in the course of the day. I don't know that it was Mr. Bullock who came. I know Hamilton, and have spoken to him. I have been in the police force, and I had left it about eighteen months when I went to Miller's.

Re-examined.

I can't say that I have ever heard the person I call Bullock called by that name. He never gave me his name. I am sure that I have seen him with Hamilton. The man I call Bullock is a little man, with dark whiskers and beard.

William Barnes, examined by Mr. Lock.

I live at Liverpool, and am an engine driver. I went into Miller's employment four years ago. I drove the engine there. I left three months ago. I got a "sup" of drink and went away from my work. I remember the Oreto being built there. It was about sixteen months ago. She was launched there. The Penguin and the Steady, two gunboats, were built in our yard for the English government. I used to go on board and look over them. I know a gunboat when I see one. The Penguin and Steady were called gunboats. I remember the Alexandra being built there. She was like the other gunboats, only smaller. She is like the Oreto and the other gunboats. I remember Captain Tessier coming to our yard. He was the captain of the Phantom. She was built in Miller's yard. The Alexandra was being built at the same

time. Tessier looked more at the Phantom than the other. He used to walk round and look at all the vessels. I know Mr. Spiers, the overlooker of Fawcett & Co., the engineers. When Spiers came it was when we were boring out the stern posts of both the Phantom and the Alexandra for the screw shafts to work in. I saw the boilers put in the dock. I saw them afterwards on board the Alexandra in the Toxteth dock. Some of Fawcett's boiler makers were on board. I have seen Mann there; he is a member of Fawcett's firm.

Cross-examined by Mr. Mellish.

I had nothing to do with the ship-building department. There were four vessels in the yard—the Emperor, the Huddersfield, the Phantom, and the Alexandra.

Alexander Robinson, examined by Mr. Jones.

I am a joiner at Liverpool, and was formerly in the claimant's employment. I left two months ago. I used to make gun-carriages, with other things. I helped to make gun-carriages for three guns. They were pivot guns, one large and two smaller. A man name Carter was there. Several gentlemen used to come. I have seen a gentleman there called Mr. Hamilton, who looked at the gun-carriages. I know the boat Alexandra, and did a little work upon her for the pitch of the propeller shaft. I did that by order of the foreman of Fawcett, Preston & Co.

Cross-examined by Sir Hugh Cairns.

Fawcett & Co. are very extensive engineers, and make many engines and sometimes many guns, and have done so for many years. I left to suit myself better. I struck for higher wages. I went away without being discharged. Many visitors used to view the works.

Joseph Carter, examined by the Attorney General.

I was a joiner in the service of Fawcett & Co., but have now left it some three or four months. I wanted more wages. They were making machinery for a propeller boat. The boat was known by a number, 2,209. I have seen the Alexandra in the Toxteth dock since the seizure, and she is the same vessel that was called 2,209.

The attorney general asked, Have you heard the vessel spoken of in the workshop, where the machinery was being made, by any name other than 2,209?

This question was objected to, and the chief baron ruled that it ought not to be put.

Examination continued.

I know all the defendants. They always spoke of the vessel as 2,209. The machinery is fitted in the erecting-shop. I remember to have seen Mr. Hamilton there pretty often. I can't say that he paid particular attention to the machinery; other machinery was being prepared there. When the Alexandra's machinery was in progress, some guns were being prepared, and gun-carriages also. I was working at the carriages and slides. Each of these guns had a separate number. The smaller guns were rifled. I can't swear to the numbers. 2,204 and 2,205, I think, were the numbers of the small guns. I cannot tell whether the machinery and guns were part of the same job. I have seen the Alexandra since the seizure. The largest gun on the carriage would stand about 4 feet, and the smaller about 3 feet. I know Mr. Sillim, who was frequently in the shop where the guns were being made; that is his particular line of the

business. I have seen Hamilton with him, and heard Sillim say that improvements would be made by compression screws, and Hamilton said he thought the screws would be an improvement. The rammers and sponges for the guns were made in a different shop. The carriages were difficult to make. They were made of English elm, and the slides of teak. The teak came from Miller's yard. The carriages were not finished when I left. I know that there were some guns and carriages supposed to be made for the Oreto; that was the talk of the men in the yard. Mr Howarth prepared a drawing for a large gun-carriage. One carriage was raised 11 inches higher than it had been. Mr. Sillim wished it to be so. I did not hear either of them say for what vessel the gun-carriage was intended. The drawings always bear the number of the job. After I made the carriages I left the drawings in the shop.

Benjamin Hodgson, examined by the Solicitor General.

I was a clerk in the defendants' packing office. I packed parcels of machinery, &c. I was to inquire for 2,209. I was not sent to inquire for gun-carriages. I was sent for machinery, bolts, &c., for that number. I never heard the ship spoken of by that number. Spiers desired me to take the rings ready up to Miller's yard or to the gunboat. I took them to the yard, and left them in the stores. Some of the men were waiting to use them on board the Alexandra. A man has been waiting for them, saying, "Are those for the gunboat?" and I have replied "Yes." I was often in the packing-room. I know Hamilton; he was often there—sometimes with Sillim, sometimes with Mann, and oftentimes alone. Hamilton examined the shot and shell. I could not hear what he said about it. I have met Hamilton coming from Miller's yard. Hamilton has been down in the yard of the defendants, and shortly afterwards the partners gave orders for the clincherings to be sent up to the boat at Miller's yard. I recollect packing some small guns. There were three guns intended for the boat. Two guns were packed, to my knowledge, and sent down to the Wapping station at Liverpool. There were 16 or 17 packages. I never heard any one say for what ship they were intended. The packages were marked O. A. and O. B., with a diamond. I saw the delivery note. Sinclair, the shipper, had it in his hands. He is a laborer in the employ of the defendants. It is usual for the delivery note to be made in duplicate, some part to be filed in the defendants' office. I never heard any partner say who or what Hamilton was. It is usual to give out a number or a name, when work is to be done. The machinery, &c., for the Alexandra was made to number 2,209. I have seen Hamilton inspecting that machinery when it was being made. I remember, the night before the seizure of the ship, that pump, buckets, &c., were to be sent, but an order came that they were not to go. When the Oreto was built I carried letters from the defendants to Frazer & Co. I went out with notes the evening before she sailed—one to Frazer & Co., and the other to the Tug Company's office. I heard the note to the latter read. The Oreto sailed on the following day.

Cross-examined by Sir Hugh Cairns.

I was first employed as a laborer. I was discharged after the vessel was seized, for stopping away all day. Spiers said I was drunk, and told me to go.

Captain E. A. Englefield, examined by the Attorney General.

I am captain of her Majesty's ship Majestic. I have examined the Alexandra since her seizure. She is built principally of teak; her upper works of other material. She is strongly built, certainly not for mercantile purposes. She

would be usable for a yacht, and easily convertible for the purposes of war. She has accommodation for men and officers such as would be required in war. Her stowage is only sufficient for provisions for her crew, assuming a crew of 32. Her build is quite capable of being converted into a man-of-war, but when I saw her she had no appearance of preparations for guns. There would be no difficulty in adding those preparations; they could be easily added. She might be fitted with two or three pivot guns. She would probably carry three guns, differing in size. The bulwarks are not of the same description as those in the British service. With certain kinds of guns, the bulwarks would allow of being fired over.

Cross-examined by Sir H. Cairns.

The assumption of 32 for a crew was made on the rule in use in the British service. There were cabins for five officers, a captain's cabin, and a mess place. They were not finished, but bulkheaded off, when I saw them. There was no difference between these cabins and such as would be used for a yacht.

Neil Black, examined by Mr. Locke, said:

I have been a ship-carpenter at Liverpool, these twenty or thirty years. I saw the *Alexandra* on the 20th of last March. I was on board and looked at her upper works, but I was then ordered ashore by Mr. Miller. A second time I went and measured her. She was about 127 feet long, and about $21\frac{1}{2}$ feet across the beam. She was 240 or 250 tons, builders' measurement. Her frame was British oak, and her planking teak; her frame not over strong, but the planking outside and inside stronger than usual. The beams were $2\frac{1}{2}$ feet apart, and the hatchway 2 feet or $2\frac{1}{2}$ feet wide. The bulwarks were stronger and lower than in a merchant ship. I do not consider this vessel qualified for mercantile purposes. She is adapted for war purposes—a handsome vessel, on fine lines, and capable of great speed. She is adapted for a gunboat.

Cross-examined by Mr. Mellish.

I have seen pitch-pine for war vessels; never for merchant vessels. I went on board the ship at the request of a New York captain.

John Da Costa, examined by the Queen's advocate.

I am a shipping agent and steamboat owner. I know Messrs. Miller & Sons, and their manager. I did not know Mr. Miller, sen., before February or March, 1862, when I had a contract with him for building a tug. About that time Mr. Thomas Miller took me and Mr. Cookhill aboard the *Oreto*. I remember seeing their ship *Emperor* in Miller's yard. The ship *Phantom* was alongside, and another vessel for the African coasting trade. I have seen the *Alexandra* there. I did not know her as anything but a gunboat. She was there on New Year's day, 1863.

At the conclusion of this witness's examination the court adjourned till the morning.

JUNE 23.

The trial of this case was resumed this morning.

The lord chief baron, upon an objection being made to a question yesterday, said that he would consider the matter and give his decision this morning. His lordship proceeded to say: I have been requested to give my opinion upon a point raised on behalf of the claimants yesterday, and I had better do so at once. This is a case of seizure by the officers of the crown on the ground of forfeiture for a breach of the law enacted by the 59th of George III, cap. 19, sect. 7, commonly called the foreign enlistment act. The proceedings are similar

to those which frequently come before this court of a seizure for a breach of the revenue laws. There is, however, this distinction: Generally it may be laid down that the law has never yet made a single attempt to evade the payment of tax or custom a crime. The subject-matter is forfeited, and there is often added the payment of a penalty, but there is no indictable offence. The foreign enlistment act makes a breach of its regulations in this respect an indictable offence, subject to fine and imprisonment. The same act or matter which condemns the vessel to forfeiture subjects the party to fine and imprisonment. Generally speaking, by the law of England there cannot be (as obviously there ought not to be) two trials for the same alleged offence—one to try whether the ship has been forfeited; another to try whether the parties are guilty of a misdemeanor. If the ship has been forfeited, the parties whose contract led to the forfeiture are guilty of a misdemeanor, and it is a manifest inconvenience that there should be two trials, possibly with inconsistent verdicts. In excluding the evidence of what Miller, sr., said, I considered that I was trying the guilt or innocence of the defendants on the record. I stated I would admit any evidence of an order or direction, accompanied by an explanation for what purpose it was given, but I thought mere admissions or statements made anywhere to anybody by Miller or his sons or men were not evidence against the present defendants; and if this record, with its 98 counts, raises the question of the defendants' guilt or innocence, I should be of the same opinion still. But the attorney general contends that this record raises no question of the guilt or innocence of the defendants on the record, but merely of the propriety of the seizure. To explain this I cannot do better than to refer to the instance I gave of the declaration of a shoemaker of the purpose for which he was making a pair of shoes, which I thought, and still think, could not be given in evidence against a house-breaker who was found claiming them or using them; but the attorney general says I am not so using the evidence. I am justifying the seizure of the shoes in the hands of the shoemaker on the ground that it was unlawful to make shoes for the purpose for which he avowed he was making them, and that such shoes were liable to seizure; and if this be the true state of the case, it is a complete answer to the illustration I gave. The question is, is it so? It is remarkable that, although the statute has been in force for forty years, this is the first seizure that has been made under it. There is no judicial decision on the subject of its operation, and how far the coupling of crime with forfeiture makes any difference as to the admission or rejection of evidence. It is equally remarkable that in the long and able argument of yesterday no case in point was cited, and only one case at all, and that by the learned solicitor general. There is no doubt, in breaches of the revenue laws goods may be forfeited and seized by the acts of those who hold them, not as owners, but as agents, and possibly by acts quite opposed to the wish and instruction of the principal. Whether the 7th section of this act is so to be construed may, I think, be doubted. I thought it right, after the able and learned arguments of yesterday, taking into consideration as well the great importance of this case, to make some observations, and I have done so. I shall receive the evidence.

John De Costa recalled and examined by the Queen's advocate.

I had a conversation with Miller, sr., before the Emperor was launched. She was launched on the 8th of January this year.

The Queen's advocate. You say you recollect having a conversation with Miller; was it about the Alexandra?

Witness. Yes.

The Queen's advocate. Did he tell you what she was intended for?

Witness. On three different occasions.

Sir Hugh Cairns. I object to the question, and tender a bill of exceptions.

Examination continued.

He said she was a gunboat for the southern confederates. He said he had a contract for the Alexandria. He said, "We, conjointly with Fawcett, Preston & Co., are building this vessel for Frazer & Co., the agents for the Confederate States." Upon other occasions he said something to the same effect. They all took place before the launching. The Alexandria, at the time the conversations occurred, was still on the stocks in Miller's yard. They were planking her at that time. Miller was making a tug for me, and said something about taking the men off my tug to lay the blocks of a gunboat. He pointed to the blocks. I afterwards saw the Alexandria upon those blocks. He said that the gunboat was to be called the Alexandria. I asked him why she was to be called that. I said, "Is that the name of some State or city?" and he said it was one in the southern States. He said it was in unison with the Alabama and the Florida. He spoke of the Florida as the Oreto. I had a conversation with him in December, 1862. I said I thought there was a deal of copper going in a vessel of that size. He said the parties it was for did not care for expense. I remember nothing about guns. I know Captain Tessier and Mr. Wellsman. I have seen Wellsman in Miller's yard when the Alexandria was building. Wellsman is a member of Frazer, Trenholm & Co. I have seen him giving orders to one of the men working on the Alexandria. He was always inspecting her. I have seen Tessier there more than once—frequently. He was always about superintending the gunboat. When I dealt with Miller I dealt with, as I thought, Miller & Sons, but I believe the contract was always signed by Miller himself only. The son Thomas was always in the yard, and had to do with all the vessels. There were two trial trips with the Emperor. The second trial was on the 3d of March this year, and I was on board of her. I saw Miller there, and Captain Tessier.

Question. In the presence of Miller the younger did Tessier say anything about the Oreto?

Sir H. Cairns objected that anything said by Tessier was irrelevant, and no evidence against the defendant.

The attorney general submitted that the question was proper and ought to be admitted. It was a part of the case for the crown to establish the agency of persons in Liverpool with the construction of the Alexandria, and it was proposed to show their connexion with vessels which were now cruisers in the service of the Confederate States. The Oreto was one of those vessels, and at present sailed under the confederate flag as the Florida. Statements made by the elder Miller relating to the Alexandria are admitted.

The lord chief baron decided the question could not be put.

Examination continued.

When on board the Emperor after her trial trip I was in the cabin with Miller, senior. Young Miller came down and called to his father. He said Captain Tessier wanted him. We both went on deck. Captain Tessier spoke to Miller, senior, about the Alexandria. He said—

Sir Hugh Cairns objected.

The lord chief baron ruled the conversation admissible, but took a note of the objection.

Examination continued.

Captain Tessier said he wanted the coamings of the main hatch three inches higher. Miller, senior, said he would not do it. What was done was according to the contract.

Cross-examined by Mr. Karlake.

I was born at Liverpool. My mother kept a sailors' boarding-house. I kept it afterwards. I am a member of the Tug Company. I supply crews for vessels. I was once fined for a breach of the passenger act. I am a part owner of the tug Emperor. The Huddersfield and Phantom were lying one on each side of the Emperor. The Alexandra was ahead of the Emperor. The Emperor was laid down in August, 1862. Captain Tessier took the Phantom away from Liverpool. He was frequently on board the Phantom and the gunboat. I was more than twenty times at the yard when the vessels were building. I remember the second trip of the Emperor. I first spoke about the Alexandra to Mr. Dudley, the American consul. It was after the 3d of March. I did not afterwards go to Messrs. Duncan & Co. I have seen them since. I do not know that they are solicitors for the American consulate. I was afterwards examined by Mr. Hammill, solicitor to the customs. As I was coming out I saw Maguire, the detective, going in.

John Wilson Green examined by the Queen's advocate :

I am a ship-builder at Liverpool. I remember about a fortnight ago being asked to look at the Alexandra. I was asked to make a report as to the purpose for which she appeared to have been built. I found on going on board that her bulwarks were formed differently from any vessel other than a vessel-of-war. The bulwarks were composed of teak plank, three inches thick inside and out. They were about two and a half feet deep. She had three masts and a propeller. She was about 276 tons, builders' measurement. The rudder was unusually strong. I found that arrangements had been made for several hammock racks. They were for hammocks. The hatchways were not suited for a merchant vessel. They were such as you would find in a small class man-of-war. I observed a considerable space before the boiler. It was not fitted for carrying cargo. I observed the forecastle. It was such as you see on yachts and small vessels-of-war. There was a cooking apparatus on the forecastle, sufficient for 150 or 200 men. A common merchantman of the same size would have no such accommodation. There were also places fitted up like purser's or medical officer's rooms. On the starboard side of cabin there were two sleeping berths, with beds and drawers underneath. There was a small room fitted as a pantry. On the port side there was a room which did not appear to be appropriated to anything. The deck beams were closer together than is usual in merchant vessels.

The Queen's advocate proposed to ask the witness, as an expert, for what purpose the ship seemed to be intended.

Sir H. Cairns objected.

The lord chief baron held the question inadmissible.

Cross-examined by Mr. Karlake.

My business has latterly been more in repairing than building. It is about twenty years since I built a vessel. My yard is in Boundary street, Liverpool. There have been some alterations, but few improvements, in ship-building in my time. I did not examine the build of the vessel below. The weight of the bulwarks did not add to the strength of the vessel; it rather tended to weaken her. I never built a despatch-boat. I never built a steamer for the opium trade. I never built a screw steamer at all. The rudder port is not stronger in screw steamers than in ordinary vessels. Hammocks are very rarely put up on the bulwarks. When put there they would have the effect of resisting shot. The ship was unfinished below. The fireplace was 3 feet 9 inches wide.

Re-examined.

The arrangement about hammock racks is very unusual in merchant ships.

George Temple Chapman examined by the solicitor general :

I have no profession. I have lately come from the United States. I came to Liverpool in the middle of March. I went to see Captain Bullock. I called for the purpose at the office of Frazer & Co. I did not see Captain Bullock then. I saw one of the partners. I led him to infer I was a secessionist. I did not communicate with him in any character. I saw in the office the English and confederate flags. They were in the front office. I communicated with him about Bullock's private affairs, and partly about the affairs of the confederate government. A person who passed as Clarence Yonge's wife intrusted me with certain letters for Captain Bullock. I did not see Captain Bullock that day. The letters were delivered to me open. I called again and saw Captain Bullock. I referred to the letters.

The solicitor general proposed to ask whether Captain Bullock admitted himself to be the person named in those letters.

Sir Hugh Cairns objected, that this interview was after the seizure, and that nothing that took place then could be evidence of what happened before the seizure ; and, further, that the admission was mere hearsay.

The attorney general then proposed to put the question in this form : Did you communicate with Captain Bullock on the subject of the letters ?

Witness. I did. While I was there a gentleman named Hamilton, son of the former governor of South Carolina, came in. He was formerly a lieutenant in the United States service. In 1861 he ceased to be so.

The solicitor general asked in what character Hamilton spoke to the witness.

The lord chief baron held that the question could not be put.

Sir Hugh Cairns said that he would postpone the cross-examination.

Joseph Acton was then recalled :

I was employed in Miller's yard while the *Alexandra* was on the stocks. I only heard him speak of her as "the boat."

Mr. Clarence R. Yonge :

I am a native of Georgia, United States, and was for some time paymaster on board the *Alabama* war steamer. I came from Wilmington, in North Carolina, in the ship *Annie Childs*, to Liverpool in 1862. I had been in the paymaster's department at Savannah, a port then used as a naval station for the confederate forces. The secretary to the confederate navy was Mr. Mallory. Before I left Savannah I saw Bullock, who came away with me as far as Queenstown. Bullock acted in the confederate navy. He did not command a ship, but I acted as his secretary. I saw all the letters to him from the secretary of the confederate navy, and his replies to them. The letters were addressed to Mr. Mallory, at Richmond. I saw Mallory's signature to letters. At Savannah Bullock directed the movements of the steamer *Fingal*, not a war steamer. There were three persons, John Lowe, Eugene Maffitt, and Anderson, on board the *Annie Child* with Bullock and myself. I had communications with Lowe when I was Bullock's secretary. Anderson commanded the *Fingal*. I never heard Bullock give orders to Lowe. Lowe is now a lieutenant on board the *Alabama*. I saw him there. I left him there on the 25th of January last. I was on board of her. She is a vessel-of-war, sailing under the flag of the Confederate States, and commanded by Captain Semmes. I know that Lowe went out in the *Oreta* to Nassau. I have known him serving in the land service. I knew Maffitt before we sailed. He was acting as a volunteer at the fight at

Port Royal. He then received an appointment as midshipman in the confederate navy. When he came to Liverpool with me he was in the navy. Anderson served in the naval service. He was acting midshipman in the confederate navy. Lowe, Maffitt, and Anderson were all serving in the Alabama when I left. When I arrived at Liverpool I continued my communications with Captain Bullock, and acted under his directions. He introduced me to Frazer, Tremholm & Co. Mr. Armstrong was the principal person with whom I was then in contact. Priolean and Wellsman constitute the firm of "Frazer & Co." I don't recollect seeing any flags at their office. I saw Bullock at their office from time to time. I was there by his directions nearly every day. Our transactions were principally business ones. There was one room used almost entirely by Bullock and Hughes, a major of the war department of the confederate army. I used the room also. The persons who used the room were confederates. A person named Sinclair used to come backwards and forwards. He was a lieutenant in the southern navy, and I knew him in the south in that capacity. I transacted business with them.

The lord chief baron (to the attorney general.) What they did there does not appear to be of any importance. What they did elsewhere is a very different thing. Whatever may be the account this witness may give of the business transacted in that room is wholly unimportant. You must show that something came out of it—out of that room.

The attorney general. I want to direct the witness's attention to acts done.

Examination continued.

When I got to Liverpool my appointment was not made out. I was in Liverpool from the 11th of March to the 9th of July, and I then left Liverpool in the Alabama—then called the Emrico, and sometimes spoken of as "290." She was built by Messrs. Laird, of Birkenhead. She had no armament on board; at sea she received her armament, and hoisted the confederate flag. I sailed under the command of Captain Semmes. Other officers were brought to join the Alabama in the Batavia—Sinclair, Semmes, and Gordon. Bullock went out with the Batavia and returned with her before I left Liverpool. I acted as paymaster in the confederate navy, and made payments in that capacity. (Paper handed to the witness.) That is Bullock's signature. This paper was given to me on board the Alabama. I had no writing. I had orders by Bullock, but not in writing, to act as paymaster at Liverpool. I made payments to confederate officers as paymaster. I made requisitions for money to Captain Bullock and he gave me an order on Frazer & Co. I delivered Bullock's order to them, and left them there. [The attorney general called for the original document. Five orders were produced.] I had pay-rolls. They are now on board the Alabama.

One of the orders was read: "It was drawn on Frazer & Co., signed by Bullock, for £246 for officers pay."

Examination continued.

I paid the money to officers under those orders. I paid Captains Bullock, Lowe, Anderson, Mathie, Irving, Bullock, Sinclair, Cuddy, and Hamilton. I paid them as officers in the confederate navy. I paid Hamilton as a lieutenant. Hamilton came to Liverpool after I did. I left him there when I went out in the Alabama. I have not seen him since. (A paper was put into the hand of the witness.) I received this paper from Captain Bullock on board the Alabama.

The attorney general proposed to put it in to prove that the witness was appointed paymaster.

After some discussion it was admitted and read. It was an appointment of

the witness as paymaster by Captain Bullock, under the authority of the secretary of the confederate navy.

Another paper was put into the witness's hand. This was a letter of instructions he received from Captain Bullock.

The attorney general proposed to read the letter.

Sir Hugh Cairns objected, on the ground that it was *res inter alios acta*.

The attorney general urged that the fact of the witness having been authorized was already admitted, and that the precise nature of his instructions was admissible on the same ground.

The lord chief baron ruled that the document could not be read.

Examination continued.

I saw many vessels captured and destroyed by the Alabama. I saw the guns on board the ship. I cannot pledge my oath as to the name of the makers upon them. Allotment tickets were made out for the wives and relatives of the crew of the Alabama. They were all signed by me. They were also signed by Captain Semmes. The Bahama was under the command of Captain Tessier. The Azupia also came out. Stores were shipped on board both for the Alabama—guns, &c. I received two gun-carriages and guns from the Bahama, as well as stores. Herring and Mrs. Parkinson are here, I believe.

Cross-examined.

I paid others and myself. I paid Mr. Clarence R. Yonge—that is, myself. I was raised in the State of Georgia, and came to England in March, 1862. I had been living in Savannah.

Mr. Karlake. You left your wife and children at Savannah?

Witness. Am I obliged to answer?

Mr. Karlake. Have you any objection?

Witness. Yes. I don't see what my family affairs have to do with this case.

The lord chief baron. I must explain. In this, as well as every other court, it is usual to ask if people have conducted themselves in a manner which is calculated to affect their credit.

Witness. Very well. I left them there. I left my wife and child at Savannah. I never was in the confederate army. I made Bullock's acquaintance shortly after the arrival of the Fingal. I wrote letters for Captain Bullock here—some of them, but not all. I came over with him, but was in the employment of the confederate government. I am not a spy in the employment of the federal States. (Paper handed to witness.)

Mr. Karlake. Is that your signature?

Witness. I wrote that letter.

Mr. Karlake. When in England with Bullock were you communicating all that passed to the United States government?

Witness. I was not.

Mr. Karlake. When did you first make the acquaintance of Mr. Adams, the American minister?

Witness. About March this year.

Mr. Karlake. Is it true that you gave him valuable information respecting the Alabama?

Witness. I did, after my cruise in her. I am not a secessionist now, at any rate. I received my pay in Kingston from the Alabama up to the 25th of January, 1863. I have not had confederate pay since. She had been in the port when I left her. She sailed that night.

Mr. Karlake. Did you drop overboard and go ashore?

Witness. Not exactly. I was allowed to come on shore, and did not return.

I knew it was the intention of Semmes to sail that night. I did not think the work too hot for me.

Mr. Karslake. You left and became a northerner?

Witness. Anything you choose to say. The Alabama was not watched by the United States vessels. I remained at Kingston. I did not marry a mulatto woman, who passed as my wife at Liverpool. I married a woman who now passes as my wife. She was a young widow, in whose house I had been lodging. There was a sale afterwards of nearly all her property. There was a negro boy not sold. I may have said that if we took the young nigger down to Charleston he would sell for £100 there. The nigger boy is about fourteen years of age; he is in Liverpool now. I was last there about a month ago. I arrived in Liverpool from Kingston between the 20th and 25th of March. I lived a short time at the Angel. I went away from there. I am not aware I went to New York. I left Liverpool. I left my wife money. She was not particularly destitute that I am aware of. Her mother was with her, and she has plenty of money. I came up on my own business. I had not fully made up my mind to see Mr. Adams, the American minister. I saw him after advice. I had only one statement to make, which I made to the American government at that time. I did not go to his excellency to be questioned. I had not made up my mind to leave the southern States, but to leave the Alabama. I did not come over for the purpose of giving information, but I have done so since. I have not an appointment yet in the United States service. I have been living in Lancaster and London. I met Mr. T. H. Dudley the day I called on Mr. Adams. Mr. Dudley is the American consul at Liverpool. I was in Liverpool five or six weeks ago. I have cut myself off from sources I previously possessed. There are circumstances which prevent me from remaining in England. (A letter was here handed to the witness.) I was not entirely out of means at this time, but very nearly. At the time I wrote this letter there were no circumstances which prevented me from remaining in England. When I made that statement I thought it was necessary for me to go. If it had been deemed necessary for me to return from New York to finish the work I had begun for the United States government I would have done so. If I have seen Maguire I don't know it. I had not seen Mr. Hammill at Liverpool.

Edward Fitzmaurice examined by Mr. Locke:

I was cook on board the Alabama. When I joined her she was called the 290. About twenty men went with her from Birkenhead. I got to her by a tow-boat, and found the Alabama down channel near the Welsh coast. I went as a sailor first. I worked about the decks for two months. I was asked if I would go as steward to the officers.

The lord chief baron. What is the good of proving more about the Alabama?

Mr. Locke. The witness speaks of the course of the Alabama all through.

The attorney general. That, my lord, is the case for the crown.

Sir Hugh Cairns commenced his address to the jury, but had not concluded when the court rose.

JUNE 24.

This case was again resumed.

The case for the crown having finished last night, Sir Hugh Cairns commenced his address to the jury on behalf of the defendants, and had not concluded when the court adjourned; but before Sir Hugh Cairns commenced his address Mr. Mellish said that he wished to have on his lordship's note an objection that the defendants wished to take, namely, that an equipment with intent to cruise and commence hostilities necessarily involved an arming in this country; that if the ship were to sail from this country in an unarmed state, and the intention of the parties was that she should sail in an unarmed state, that was not sailing with

intent to commit hostilities within the meaning of the seventh section; and that there was no evidence in this case of an intention that she should be armed in this country.

Sir Hugh Cairns said that he had the honor of appearing for the firm of Fawcett, Preston & Co., who were merchants extensively engaged in manufacture at Liverpool. His learned friend the attorney general had remarked in his opening speech that it was singular that none of the defendants bore the names of the firm under which they traded. That was not the case, for Mr. Preston, one of the members, was still alive. It often happened that when commercial employment ended successfully the partners retired in quick succession, making room for others to come in, but the original trading name of the firm was carefully preserved. The defendants, as the jury had heard, employed about nine hundred men, and performed all kinds of work in steel and iron manufactures, not only for peaceful purposes, for they were not only manufacturers of engines for steamboats, but made guns and munitions of war, such as shot and shell, which might be seen lying about their premises. It was true that the defendants, on the 6th of April, were the owners, and the *bona fide* owners, of the ship *Alexandra*, the seizure of which formed the issue in the present case. After she had been launched she had been taken down to the Toxteth docks and there placed without the slightest attempt at concealment, and might have been seen by all the world if there had been any curiosity about the matter. She had been seized by a custom-house officer on the allegation that she had passed away from whoever might be her owner, and had become the property of the crown, because a misdemeanor had been committed. Such a seizure could only be justified if the allegation could be sustained; but if not, then the ship did not belong to the crown, and there was no justification for taking her from her owner. The crown must have had some information. It was understood that depositions had been made, on which they had acted. Spies were about, and had been at work; and if the information which they had supplied to the government had been intimated to the defendants, a very great deal of expense and trouble might have been spared, both to the crown and the defendants, for the crown would have been made aware that the proceedings were misconceived, and could not be supported. The mode of proceeding in this case was upon an information—a somewhat amusing and ironical term, because he need hardly say that voluminous as it undoubtedly was it neither gave nor conveyed any information to anybody, and perhaps that was the reason why it had got its name. It was extremely desirable to consider the opening of his learned friend the attorney general to see the nature of the case put forward by the crown. Although, as had been stated, the act had passed so long ago as 1819, it was a very significant and remarkable fact in the case that, although wars had taken place in Europe and other parts of the world, during the whole of which time we had remained neutral, the commerce of this country had not been disturbed or interfered with, yet there had not been a single complaint of any merchant or ship-owner having done anything that came within the scope of the foreign enlistment act. It had been said that the United States had their agents, who had been on the alert, and thought they had a right to complain of what was being done at Liverpool, and urged upon the crown that the foreign enlistment act should be put in force, and that had been done accordingly. This was a matter of notoriety; no one could pretend to be ignorant of that fact. There had been great anxiety on the part of the United States of America to try and see if they could stir the government of this country to meet their complaints. The law officers of the crown had possibly said, "There is no doubt we have a foreign enlistment act, but we don't think that you have any case. However, if you think otherwise, you may come and try your case before a jury, and we will do all we can; but if you fail, don't blame us." He would ask the jury to consider the manner in which

the attorney general had put the information against the defendants. He would only deal with the four charges. The first stated that there were many persons mixed up and implicated together in the proceedings, and described them; the second parties were the house of Fawcett, Preston & Co., the defendants; the third was the firm of Fraser, Trenholm & Co.; and the fourth, Captain Bullock, Captain Tessier, and Butcher. The attorney general had said that they were all mixed up together in the transaction; that these persons equipped, furnished, and fitted out the *Alexandra* with the intent to cruise and commit hostilities. They had done this that the vessel should be employed in the confederate navy; that this had been done to commit hostilities against the government of the United States. These were the real charges that the crown relied upon, and they said the ship in question was to be employed in the manner charged. There could be no mistake as to what the charges were. They constituted, under the foreign enlistment act, a misdemeanor against all the parties concerned. The learned judge had said that he was not trying a misdemeanor for the purpose of a criminal sentence. That was quite accurate; but the jury were to bear in mind that if the acts complained of were within the foreign enlistment act at all, they constituted a misdemeanor within that act; there was consequent upon and incident to the crime and the misdemeanor the forfeiture of the ship; but there was the crime declared by the act of Parliament. The defendants were charged with being participators in an act which was made a misdemeanor by the law of the country. The attorney general had said that he would prove that the *Alexandra* could be easily converted into a man-of-war, and that Captain Bullock, Captain Tessier, and Mr. Hamilton were about the building and workshops looking after the vessel, and talking about her, and interfering with her; and that he would show that those persons were acting as agents for the confederate government, and they, the jury, were asked to put together the little scraps of evidence with which the crown attempted to support its case, and say it was proved unless the defendants came into the box and explained to the crown everything which the crown might choose to require explanation of. Because the crown could not prove a case of forfeiture, because in their judgment something may look a little suspicious, they wished to throw the burden on the defendants of coming forward and proving their case. He asked the crown to prove how it was that on a bright day in Liverpool their officers walked in and seized the ship, which they had no more right to do than the jury had. He could not help contrasting what his learned friend the attorney general in opening the case had said with the doctrine he had heard from a very able expounder of the law upon the duty of the crown in cases like the present. He would read to the jury what was supposed to be the duty of the crown in putting forth the foreign enlistment act. A good deal had taken place with regard to the *Alabama*. The American government was very much dissatisfied that the British government did not try some parties about the *Alabama*. He was sure he had no idea whether any offence had or had not been committed, but he knew perfectly well the answer which had been given in that case, and which had been laid down by one of the law advisers of the crown, his learned friend the solicitor general, in another place, and that was, "The United States have no right to complain if the act in question is enforced in the way in which English laws are usually enforced against English subjects on evidence, and not on suspicion; on facts, and not on presumption; on satisfactory testimony, and not on the mere accusations of a foreign minister or his agents. It would be a great mistake to suppose that the foreign enlistment act was meant to prohibit all commercial dealings in ships-of-war with belligerent countries. It was not intended to do so." Here sat his learned friend who had laid down those sound and constitutional principles.

The solicitor general. And I adhere to every word of that.

Sir Hugh Cairns continued: He knew his learned friend too well to suppose that he would depart from that statement. He (Sir Hugh Cairns) would ask the jury to apply the opinion of one of the law officers of the crown to the opening of the attorney general when he said that he had no facts, but would prove something that would lead up to presumption. He would say a few words about the policy of the foreign enlistment act. The question in the present case was a great and important one—a much greater question than the value of the Alexandra; it was one of the gravest importance to the mercantile interests of the world. As to the proclamation of neutrality, that was made simply to inform the people that there was such an act as the foreign enlistment act, and that this country would remain neutral. It had been truly said that an unfortunate war had sprung up in America, and that we were neutral in that war. It was important that we should understand the duty of the subjects of this country, as the subjects of a neutral power, in a commercial point of view. Enlisting in the army of a belligerent was undoubtedly an offence, but, putting aside for a moment the foreign enlistment act, beyond all doubt it was the free and undisputed privilege of a neutral power, there being a war between two belligerents, to trade with either or both, to sell ships or arms and munitions of war, and every requisite for war which could be supplied. Unless that privilege be limited by act of Parliament, the subjects of a neutral power had a right to exercise it. If common rumor could be trusted, those persons who now co-operate with the crown had benefited as largely as the other parties in the American contest; at all events, they had a right to do so. The intention of the foreign enlistment act never was to fetter or impair *bona fide* commerce in any way. It was intended to prevent warlike expeditions leaving the ports of this country in a form in which they could do injury to belligerents, and thereby enable one of them to come here and complain that we had permitted ships fully armed to leave our ports ready to make captures. They would say, "We cannot pursue your ships into your ports; we cannot go into your ports to take out a privateer, and yet you allow privateers to go out of your ports." That was an intelligible principle. He would say a few words about the history of the act of 1819. The Spanish colonies had revolted against the mother country, and were struggling for their independence in just the same way in which the southern States are said to be struggling now. Great interest was felt for the Spanish colonies in this country, and there was a great disposition on the part of many persons here to get up an expedition, to enlist men, and to arm ships to be sent from our ports to scour the seas in favor and support of the revolted colonies. A Sir Gregor Macgregor, a sort of commander-in-chief in this country, marshalled his men, put them on board vessels and sailed, and commenced hostilities, with very great injury to Spain. The Spanish ambassador remonstrated, saying that we were his allies, and begged a stop to be put to such warlike expeditions. He would read to the jury a few passages from Sir Archibald Alison. The learned counsel, after reading about a page of *Alison*, giving an account of the expedition, went on to say that the foreign enlistment act had been expressly passed to put an end to expeditions like Macgregor's. He could not help feeling that it was worth while observing the state of the country described in a few sentences at that time by one of the greatest ministers this country ever had—the author of the foreign enlistment bill, Mr. Canning. That gentleman had had a great deal of opposition to contend against in the House of Commons; and he put the state of things in this way: "What would be the result if the house refused to arm government with the means of maintaining neutrality? Government would then possess no other power than that which they exerted two years ago, and exerted in vain. The house would do well to reflect seriously on this before they placed government in so helpless a situation. Did the honorable and learned gentleman think it would be a wholesome state of things that troops for foreign service

should be parading about the streets of the metropolis without any power on the part of the government to interfere and prevent it? At that very moment such was the case in some parts of the empire, and he had little doubt that in a very short time the practice would be extended to London." In another part of the same speech Mr. Canning had said:

"Ministers did not apply to Parliament for this aid until they had tried without effect all the means that were in their power. If they were not now vested with the requisite authority; if before the next summer the country should exhibit the scandalous and disgraceful scene of lawless bands of armed men, raised for foreign service, parading through the streets, let not ministers be blamed, for they had warned Parliament of the danger, and had called on them to prevent it." The kind of evil, continued Sir Hugh Cairns, to be guarded against was the fitting out regular expeditions with arms and with troops in this country. Now let the jury consider the preamble of the foreign enlistment act; it said, "Whereas the enlistment or engagement of his Majesty's subjects to serve in war in foreign countries without his Majesty's license, and the fitting out and equipping and arming vessels by his Majesty's subjects for warlike operations in or against the dominions or territories of a foreign prince, may be prejudicial to and tend to endanger the peace and welfare of this kingdom" This was directed against persons engaged in war on their own account; that was the essence of the offence as described in the act of Parliament. If the sovereign chose to remain neuter it was not to be tolerated that some of his subjects should carry on war themselves. The subjects had no right to interfere with the exercise of the rights of the sovereign. Carrying this view into the present case, it would give a very clear explanation of the 7th section of the act. The gist of the offence charged was that it must be committed within the United Kingdom. If the act be done by one of her Majesty's subjects out of the United Kingdom it amounts to no offence at all; and that carried out what he had submitted, that the object of the act of 1819 was to prevent the ports of this country from becoming arsenals, out of which expeditions might issue in the way described. There was not the least prohibition in the act against building a ship or vessel, nor was a word said about selling a ship or vessel; there was nothing said that it was an offence subject to the penalty of forfeiture. The only words were those which suppose that a ship had to be built, because the words were "equip, fit out, or arm a ship or vessel." A vessel, of course, could not be armed, &c., until built. The building of a ship was, therefore, a harmless act. Now, the rest of the section was directed against a person who was supposed to equip, fit out, or arm a vessel with the intention of cruising on his own account, and committing hostilities against a foreign nation. She must be equipped and ready armed for the purpose when she leaves this country. It was perfectly competent for any person to build a ship easily convertible into a ship-of-war, and sell that ship to any belligerent power; and the fact that the seller knew that she was to be employed as a war vessel had nothing to do with the question. He was not the person who armed and equipped the ship to cruise and commit hostilities, unless he had the intention of arming her in such a way that when she left the port she would be in a condition to commit hostilities. The 8th section of the act threw some light on the matter. That allowed foreign ships-of-war to put into our harbors for repairs, and the only restriction put upon them was that they should not have the number of their guns increased or changed, but anything else might be supplied to them short of warlike equipment. You will remember the vessels *Tuscarora* and *Nashville*, both of which had sustained damage, and were allowed to repair at Southampton, because that with which they were fitted was not a warlike equipment. The construction put upon the act by the defendant in this case, although we had not had a case in this country tried under it, had received the sanction of eminent lawyers and statesmen here from time to time, and by authorities for which those persons

who promoted the present prosecution by the crown would have respect; he alluded to the authorities of the American Supreme Courts. A similar meaning had been put upon the American foreign enlistment act, the true precursor of our act. At the time when the American foreign enlistment act passed, that great and illustrious man who swayed the destinies of America—he alluded to Washington—issued ordinances to the various American ports, informing his officers what things were lawful and what were unlawful with regard to the equipment of vessels, there being at that time a war in which America took no part—the fight was between England and France. He said the first thing in the immediate service of any of the belligerents which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or to war, was deemed lawful. If the equipments were of a doubtful character, if they would be useful to a vessel-of-war, or if they would be useful for purposes of commerce, then those equipments were to be made. Any equipment of the vessels of France in the ports of the United States, which were doubtful in their nature as being applicable to commerce or war, were considered lawful. Thus it would be seen that during the past year of the American enlistment act this construction had been put upon it by the greatest man America had ever seen. In 1830, when our cruisers fired upon the expedition at Terceira, which left our shores in vessels brought here by some refugees, and which vessels got an armament at sea, a stormy debate arose in the House of Commons about the legality of the conduct of our cruisers. It was true that these vessels did not leave our shores armed, but they had done almost the same thing, that was, sent on their guns and munitions to meet them. That was an offence against the act for which they might have been tried, and that was the defence urged for the conduct of our vessel. Mr. Huskisson was at that time in the House of Commons, and some person said in the debate that the policy of Mr. Canning would have approved what had been done with reference to these ships off Terceira. He (Sir Hugh Cairns) would now direct the attention of the jury to Mr. Huskisson's own policy on the foreign enlistment act. The learned counsel here read Mr. Huskisson's remarks in the house upon the affairs at Terceira, (Parliamentary Debates, New Series, Vol. 24, pages 208, 9, 10.) In page 209 Mr. Huskisson said:

“Arms may leave this country as matter of merchandise, and however strong the matter of inconvenience, the law cannot interfere to stop them. It is only when the elements of armaments are combined that they come within the purview of the law; and if that combination does not take place till they have left this country we have no right to interfere with them.”

Although, continued Sir Hugh Cairns, there never has been a case tried where the policy of the foreign enlistment act has been brought before a court, yet minister after minister had been applied to to interfere on the principle and policy of the act. What had Mr. Canning said when applied to on behalf of the government of Turkey:

“Unless you show me that there is the combined element of armament, so that the ship may leave this country as from an arsenal armed and equipped and ready for war, if that combination does not take place in this country, there is no offence against the act of Parliament, and I extend that to steam vessels and yachts equally.”

That was vessels being capable of being converted into ships-of-war; and if that were not so, there would be an end to the advantage which this country had in the building of ships; and the country, instead of being preserved neutral, would not be kept out of war for one year. If the subjects of this country were to be shown that their commerce was to be tampered with and harassed at the will of one or the other of the belligerent powers, the people would say “Then let us have done with neutrality; we had much better be at war; we shall escape the *surveillance* of the United States spies; we would rather be at war than be

in the position of those whose acts are to be regulated and under the control of the United States consul." Now, in furtherance of what he had said, he would tell the jury of a very remarkable case that occurred in America. There was a ship called the *Independenza*; she had made a prize at sea about the year 1821-'22, and the question was whether the prize was a lawful one, and a suit was instituted in the Supreme Court of the United States. It was said that the *Independenza* had herself broken the enlistment act. She had left port in a time of war between foreign countries, and when the United States was neutral. She left as an armed vessel to be sold, and to be transferred to one of the belligerent powers. Therefore, having so left, any prize made, it was argued, would not be a lawful capture. Mr. Justice Story, the most illustrious of all American lawyers, decided that there was no pretence for saying that the fit out for the original voyage was illegal. It was simply the sale of a commercial adventure. That was the decision of the greatest authority in law the Americans ever had. What had been done he decided was not contrary to the foreign enlistment act. He would state another case reported in Curtis's decisions in the Supreme Court of the United States. The question was, whether a vessel called the *Alfred* had been fitted out as a privateer in violation of the United States enlistment act, the United States being a neutral power. The decision was in favor of the ship, and there was another case, also an American one, where the facts were the same as one stated in the earlier part of his speech, where the decision was the same. Here were two authorities from America whose minister was the instigator of the present proceedings. The enlistment act was not intended to prevent any speculation in ships. The crown must bring home to the defendants a proof, and clear proof, of an intention to take a part in the war between the conflicting parties. The evidence adduced by the crown had not only failed to prove a forfeiture, but had disproved it. There were two questions for the jury to consider: first, was the vessel equipped, fitted out, furnished, or intended to be so, so as to be ready to commit hostilities against anybody; secondly, was she equipped or fitted out with the intention that she should be employed by the Confederate States to cruise and commit hostilities against the federal States? The learned counsel then went through the evidence that had been adduced on the part of the crown, and making such comments upon the testimony of the witnesses as he thought necessary. Sir Hugh Cairns continued, saying, see to what straits the crown had been driven when their witnesses included five discharged workmen, one crimp, and two spies. The question was, what was the vessel *Alexandra* at the time of the seizure? Captain Inglefield had said that she was capable of being converted into a ship-of-war, but he was obliged to admit that she was without the special equipments of such a vessel. On the contrary, her fittings were of the ordinary character. George Temple Young had gone to the office of Fraser & Co. and represented to one of the partners that he was a compatriot, a secessionist, in favor of the southern cause, and with that lie upon his lips he endeavored to beguile the partner into admissions with regard to the *Alexandra*. He had been sent as a spy for that purpose, but, notwithstanding the imposture, he had not succeeded in eliciting anything. He now came to the great witness in the case whom the crown reserved to the last, and brought forth with some pomp and ceremony—Clarence Randall Yonge. How was he to describe that specimen of humanity, "raised," as he had stated, in Georgia—a man who commenced his career by abandoning his wife and child in his native country; who wormed himself into the confidence of Captain Bullock became his private secretary, and had access to his papers; who was accepted as the companion of those engaged in the confederate cause, and persuaded them that he shared the feelings and patriotism which actuated them; who came over to England, where he assumed the same character, and, being received by Fraser & Co., became possessed of every secret as to those engaged in the war on the part of the southern States; who accepted a commission from

his native country in her service, became an officer enrolled in her navy, and owing allegiance to her, received her pay, and distributed her money; who then became a deserter, slipping overboard on leaving the ship of which he was an officer, in order that he might, by the lying pretence of marriage, effect the ruin and plunder of her property a young widow who had the misfortune to entertain him in her house; who succeeded by that pretext to possess himself of her property and then brought her to Liverpool, where he turned her adrift penniless in the streets; who then hurried up to London, to pour into the ear of Mr. Adams, the American minister, his tale of treachery; who had betrayed every one of his familiar friends, every one of his fellow officers in the cause of the country to which he had promised allegiance; who stood in the box before the jury and denied no crime, and blushed at no villainy, and only, indeed, seemed indignant when it was suggested that he had committed bigamy with a mulatto woman, and not a white woman, and then all his feelings of self respect recoiled, and he indignantly denied the charge? This man was put forward at the end as the climax of the case on the part of the crown, but really he was not the witness of the crown, but the witness of the minister of the United States. To Mr. Adams had Mr. Clarence Yonge told his tale, and it was he who listened to it, instead of driving from his door the miscreant who must have polluted the very air he breathed, and who handed him over to the crown to be brought before a jury of Englishmen, in order that they might hear the tale which this unmitigated villain told. Knowing the straightforward and honorable character of the attorney general, he could easily imagine how he must have loathed and recoiled from the task he performed when reading the brief of the American minister. The jury must have observed how fatal had been the course adopted by the crown in calling Yonge to prove what occurred on board the *Alabama*, which had nothing to do with the *Alexandra*, and this person's evidence had put an end to any shadow or fragment of a case on the part of the crown which rested on other parts of the evidence. The learned counsel concluded by saying, "You have power by your decision to paralyze the commerce and industry of our ports. You may fetter honest and straightforward ship-building in the country and drive it to a neighboring country which is quite open and willing to accept it. You have it in your power to rejoice the hearts and quicken the energies of the spies and informers who infest our dock-yards, and appear to throng the ante-chamber of the American minister. You have it in your power to do all this by finding a verdict for the crown; but, on the contrary, you have it in your power to achieve a far better and higher result. You have it in your power to show the American government—and in all courtesy, good feeling, and good fellowship—that upon one thing you are determined, and that is, to have our laws applied, not upon suspicion or presumption, but upon clear legal proof. You have it in your power to show that the neutrality we have adopted in this unfortunate war has been adopted not to hamper and destroy, but to foster and promote the development of our commerce. Above all, you have it in your power to show that just as we will not change our laws, so also we will not stretch or strain or warp our laws to suit the temper of a foreign minister, or the exigencies of a foreign state. You can do that, and I trust you will do it in this case, by returning a verdict against the crown and for the defendants."

The attorney general made a very forcible reply on the part of the crown upon the whole case. The crown had simply asked, taking the most lenient course that they could under the circumstances, that the ship *Alexandra* should be forfeited.

The lord chief baron. Is it lawful for a ship-builder to build a ship which is capable of being turned to warlike purposes, with the view of offering it for sale to a belligerent to be used against a power with which we are at peace?

The attorney general. I would rather confine my answer to this: all we allege is

that the ship was built with the intention that it should enter the service of another power at war with a power with which we are at peace. We do not allege anything more than that that would create an offence.

The lord chief baron. I have no hesitation in saying that, according to all the decisions, a ship-builder has as much right to build a ship and sell it to either of the belligerent parties as the maker of gunpowder or of muskets or any other warlike implements has to sell any of those articles to the same parties. It is laid down in Kent's *Commentaries on the American Law*, that it is the right of neutral subjects to supply both belligerents with arms and all munitions of war; and why should they not supply ships?

The attorney general said he did not controvert that proposition, but denied that it was raised in the present case.

At the conclusion of the attorney general's reply, his lordship, in summing up, said, this is an information on the part of the crown for the seizure and confiscation of a vessel that was in course of preparation, but had not been completed. It is admitted that it was not armed, and the question is, whether the preparation of the vessel in its then condition was a violation of the foreign enlistment act. The information is an exceedingly long one, but the main question you will have to decide is this, whether, under the 7th section of the act of Parliament, the vessel as then prepared at the time of seizure was liable to seizure. The case you have to decide is no doubt one not merely of great importance, but really it is a momentous question, and the importance of it it is impossible to exaggerate. It is one that produces varied sentiments—sentiments of the deepest regret that such a question should have ever arisen; and I cannot help expressing the deepest, u' most anguish which one feels that such a question should have arisen by the discussion among those who are connected with us by the dearest possible ties that can bind nation to nation—a common lineage, a common language, common laws, a common literature, and, above all, by a strong desire for constitutional freedom. I, for one, protest against the doctrine that no man is to be convicted of any crime if there is any possible solution of the circumstances by any imagination of his innocence; but there must be at all times a thorough, sober persuasion and satisfaction with respect to the guilt of the party accused, and undoubtedly you must act upon proof, and not upon suspicion. With these remarks, I go at once to the statute under which these proceedings are taken. The statute was passed in 1819, and upon it no question has ever arisen in our courts of justice; but there have been expositions of a similar statute which exists in the United States. I will now read to you the opinions of some American lawyers who have contributed so greatly to make law a science, and, indeed, I may say an agreeable one. His lordship then read passages from *Story* and others. These gentlemen are authorities which show that when two belligerents are carrying on war a neutral power may supply without any breach of international law, and without a breach of the foreign enlistment act, munitions of war—gunpowder, every description of arms, everything, in fact, that can be used for the destruction of human beings.

Why should ships be an exception? I am of opinion, in point of law, they are not. The foreign enlistment act was an act to prevent the enlistment or engagement of his Majesty's subjects to serve in foreign armies, and to prevent the fitting out and equipping in his Majesty's dominions vessels for warlike purpose without his Majesty's license. The title of an act is not at all times an exact indication or explanation of the act, because it is generally attached after the act is passed. But in adverting to the preamble of the act I find that provision is made against the equipping, fitting out, furnishing, and arming of vessels, because it may be prejudicial to peace in his Majesty's dominions. The question I shall put to you is, whether you think that vessel was merely in course of building to be delivered in pursuance of a contract that was perfectly lawful, or whether there was any intention, in the port of Liverpool, or any other English port, that the vessel should be fitted out, equipped, furnished, and armed for pur-

poses of aggression. Now, surely, if Birmingham, or any other town, may supply any quantity of munitions of war of various kinds for the destruction of life, why object to ships? Why should ships alone be in themselves contraband? I asked the attorney general if a man could not make a vessel intending to sell it to either of the belligerent powers that required it, and which would give the largest price for it, would not that be lawful? To my surprise the learned attorney general declined to give an answer to the question, which I think a grave and pertinent one. But you, gentlemen, I think, are lawyers enough to know that a man may make a vessel and offer it for sale. If a man may build a vessel for the purpose of offering it for sale to either of the belligerent parties, may he not execute an order for it? That appears to me to be a matter of course. The statute is not made to provide means of protection for belligerent powers, otherwise it would have said you shall not sell powder or guns, and you shall not sell arms; and if it had done so, all Birmingham would have been in arms against it. The object of the statute was this: that we should not have our ports in this country made the ground of hostile movements between the vessels of two belligerent powers, which might be fitted out, furnished, and armed in those ports. The *Alexandra* was clearly nothing more than in the course of building. It appears that, according to *Webster's Dictionary*, equipping is furnishing with arms and furnishing is given in other dictionaries as the same thing as equipping. It appears to me that if true that the *Alabama* sailed away from Liverpool without any arms at all as a mere ship in ballast, and that her armament was put on board at Terceira, which is not in her Majesty's dominions, then the foreign enlistment act was not violated at all. The most important evidence is that given by Captain Inglefield, who gave a very moderate statement, and has been spoken of on both sides in the highest terms of approbation, and I think myself his evidence was very fair and candid. After reading some of the evidence, his lordship said if you think that the object was to furnish, fit out, equip and arm that vessel at Liverpool, that is a different matter; but if you think the object really was to build a ship in obedience to an order in compliance with a contract leaving those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not been broken.

The jury immediately returned a verdict for the defendants.

The attorney general tendered a bill of exceptions to the lord chief baron's ruling.

Mr. Seward to Mr. Adams.

No. 635.]

DEPARTMENT OF STATE,
Washington, June 29, 1863.

SIR: You may not be able to discover the true condition of military affairs through the confusion produced by the cross-lights of the press. Our official informations represent the sieges of Port Hudson and Vicksburg as going on successfully. Two of the three corps of the insurgent army, lately encamped upon the Rappahannock, have forded the upper Potomac, and are in Maryland and Pennsylvania. The position of the third corps is not certainly known. General Hooker has, at his own request, been relieved, and is replaced by General Meade, an officer who enjoys the confidence of the army and of the War Department. He is moving vigorously, and, judging from present appearances, a meeting of the two armies is likely to occur in Pennsylvania, or on the border of Maryland. You will read much of cavalry raids and other subordinate movements of the two armies, but they have thus far been unfruitful of any important results.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 636.]

DEPARTMENT OF STATE,
Washington, June 29, 1863.

SIR: I enclose a copy of a despatch of the 27th instant, addressed to the department by Mr. Hawley, United States consul at Nassau, who is now here on leave of absence, setting forth that the officers of the customs there habitually grant clearances to vessels with false destinations, knowing that their object really is to attempt to break the blockade. It is possible that Mr. Hawley may, in part at least, be mistaken in this opinion. Even if it were otherwise, however, the offence, if any, is of course of a moral nature, and not, it is presumed, one in violation of either municipal or public law. Still, if you think that any good would result from your bringing the subject, informally or otherwise, to the notice of Earl Russell, you are authorized to take that course.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 441.]

LEGATION OF THE UNITED STATES,
London, July 1, 1863.

SIR: I transmit, out of the ordinary course, a report of the proceedings in the House of Commons last night, on the motion made by Mr. Roebuck. It is difficult to imagine a more awkward situation than that in which he has succeeded in placing as well his own government as the Emperor of the French.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Adams to Mr. Seward.

No. 445.]

LEGATION OF THE UNITED STATES,
London, July 2, 1863.

SIR: I transmit herewith copies of resolutions which have been transmitted to me from the town of Bolton, in Lancashire, and Dolgelly, in North Wales.

I perceive that strenuous efforts are making by associations of sympathizers at Manchester and Liverpool to create some popular action in behalf of the rebels. Meetings have been held at Manchester, Preston, Sheffield, and some other places, probably with an intention to make a show in support of the movement of Mr. Roebuck in Parliament. Thus far the results have been quite insignificant. I transmit a form of poster issued at Manchester, by way of challenge to such proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Resolutions of Congregational ministers, &c.

HONORED SIR: At the conference of the annual association of the ministers and deacons of the Congregationalists of Merionethshire, North Wales, held at Dolgelley, the 18th day of June, 1863, the Rev. Edward Williams in the chair, the following resolution was passed:

“That this meeting, deeply sympathizing with the government of the United States of America in their present troubles, avails itself of this opportunity to express its utter abhorrence of the accursed system of slavery, the corner-stone of the Confederate States, and hopes that the UNION may be firmly established by the total overthrow of negro slavery.

JAMES JONES,

Secretary, of Tanyron, Barmouth, Merionethshire.

Hon. CHARLES FRANCIS ADAMS,

Minister to the United States.

Copy of resolutions passed at a meeting of the inhabitants of the town of Bolton, Lancashire, held in the Temperance Hall, Monday, June 22, 1862, William Smith, chairman.

Resolved, 1. That this meeting, while recording its detestation of slavery, and the attempt of the Confederate States to form a nation with slavery for its corner-stone, would at the same time urge upon the government a continuance of the policy of strict neutrality and non-intervention, and upon their countrymen the duty of resisting by all constitutional means the recognition of a government whose basis is the execrable system of human bondage. *Carried.*

Resolved, 2. That the chairman of this meeting forward copies of the above resolution to the secretary of state for foreign affairs, and also to Charles Francis Adams, esq., United States ambassador at London, through the medium of Thomas Barnes, esq., with a request that he would kindly present the same. *Carried.*

CHAS. F. ADAMS, Esq.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 446.]

LEGATION OF THE UNITED STATES,

London, July 3, 1863.

SIR: The effect of Tuesday night's debate was very severe on Mr. Roebuck. His extraordinary attempts to influence the action of the house by the use of the authority of the Emperor of the French, as well as his presuming to make himself the medium of an appeal to Parliament against the conduct of the ministry, have had the consequences which might naturally be expected by any one acquainted with the English character. Thus it happened that Mr. Roebuck, though addressing an assembly a great proportion of whom sympathized with him in his object, demolished his cause, whilst, on the other hand, Mr. Bright, even whilst running counter to the predisposition of most of his hearers, succeeded in extorting a general tribute of admiration of his eloquent and convincing reply.

But though the fate of Mr. Roebuck's motion was sealed by the course of

the debate of that evening, it is not to be inferred that there is not a steady increase of the disposition in high quarters to take some action or other in favor of the rebels. This is much stimulated by the assiduous labors of the rebel emissaries to produce a belief in the existence of a great diversion of opinion among us, as to the propriety of continuing the war. It is argued that some action on this side would now have an effect to diminish all hopes of success in restoration, and to a corresponding extent to make the advocates of peace, who would gladly welcome such assistance, to preponderate. The only effective answer to such a course of reasoning, applied to minds predisposed to conviction, is success in the war. And that is, I am sorry to say, as yet denied us. Precisely at this moment comes the intelligence of aggressive movements of the rebel army, which bear the look of power not met by corresponding ability to resist them. It is true that the first aspect of the news was not viewed with favor, because it was thought to be likely to revive the war spirit and reunite opinion. The growing hope is, however, that a stroke may be effected which will be so decisive as to render some operation on this side more natural and effective presently than it can be just now.

The debate was last evening adjourned over to a week from Monday, evidently for the purpose of awaiting events. But it seems now to be the general opinion that the government will not give facilities to a renewal of it at so late a period of the session, unless the circumstances should have essentially become changed in the interval. The conflicting testimony in regard to the Emperor's course is made even more inexplicable by the declaration last night of Mr. Layard.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c.

Mr. Adams to Mr. Seward.

No. 447.]

LEGATION OF THE UNITED STATES,

London, July 3, 1863.

SIR: Mr. Evarts has shown to me your note to him, recommending a longer stay in this country if I should deem it expedient. At the same time he expressed a desire to go home, and attend to his affairs, which require his presence, if it should appear that he was not absolutely needed here. He stated very truly that after the close of this month little remains to be done in London. All people of influence leave it for the summer and autumn. The courts are adjourned over, so that, in point of fact, were he to stay, he would have no occupation. The argument against the Alexandra is adjourned over until November. In view of these considerations, I suggested the possibility of his going home for the season, and making his arrangements to come here again in time for the assignment of the Alexandra case. This, he said, had also occurred to himself.

I am very happy to have the pleasure of Mr. Evart's society, as well as the relief which he has furnished me from the direction of the legal operations against the outfits of vessels in this kingdom. But these are now so much simplified that I cannot see any occasion for detaining him here at the expense of the government and to his own inconvenience merely on that account.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, &c.

Mr. Seward to Mr. Adams.

No. 644.]

DEPARTMENT OF STATE,

Washington, July 6, 1863.

SIR: The two opposing armies in Pennsylvania are understood to be about equal in numbers. Seven corps constitute the army of the Potomac, while the insurgent forces are divided into three corps. On Wednesday, the first instant, the two advanced United States corps unexpectedly encountered two of the insurgent corps northwest of Gettysburg, and a severe conflict ensued, which resulted in a withdrawal of our forces to a favorable position in rear of the town, where they threw up defences, and were joined by the other portions of the army during the night and morning. On Thursday, the whole insurgent army, being in line, offered battle, which was accepted. It continued throughout Thursday and Friday. It was unquestionably the most sanguinary conflict of the war, and resulted in the withdrawal of the insurgents from the field on the morning of Saturday, the 4th, and the retreat towards the Potomac began on that night, and was continued at the date of the last advices. Our cavalry is harassing the retiring enemy in the rear, while General Meade is operating, with the aid of re-enforcements, upon the enemy's flank.

From Vicksburg we have encouraging despatches of the date of Monday, the 29th of June.

I cannot inform you of the movements of General Rosecrans in any other way so well as by giving you his last despatch, which is as follows:

"Our movement commenced on the twenty-fourth (24th) June. Have driven Bragg from his intrenched positions at Shelbyville and Tullahoma. Either of them is stronger than Corinth. Have pressed him through the mountains. Incessant rains and the impassable state of the roads alone prevented us from forcing him to a general battle. Sheridan's division occupied Cowen yesterday at three (3) p. m. The enemy has retreated towards Bridgeport and Chattanooga. Every effort is being made to bring forward supplies and threaten the enemy sufficiently to hold him. As I have already advised you, Tullahoma was evacuated Tuesday night. Our troops pursued him and overtook his train at Elk river. He burned the bridge. In that operation our loss in killed and wounded will not exceed five hundred. The loss of the enemy may be safely put at one thousand killed and wounded, one thousand prisoners, seven pieces of artillery, and five or six hundred tents. The country is filled with deserters from the Tennessee troops, and it is generally thought a very large portion of these troops will never leave their native State. Nothing but most stringent coercion can detain them. It is impossible to convey to you an idea of the continuous rains we have had since the commencement of these operations, or the state of the roads. I pray God that every available soldier may be sent to me, and that our arms may be successful against Lee. He should be destroyed."

The President, on the 4th of July, felicitated the country upon the cheering aspect of the national cause.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 448.]

LEGATION OF THE UNITED STATES,

London, July 9, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 629 to 634 inclusive, and of a telegram, in cipher, relating to the

intercepted correspondence, desired by Mr. Dudley. I learn from him, however, that the original letters, being the only papers that could be of any use in the trial, did not come after all.

No material change has taken place in the condition of things here. Lord Palmerston has recovered sufficiently from his illness to appear in the House, and on Monday he consented to an assignment of Monday next for the continuance of the discussion on Mr. Roebuck's motion. There is as yet no explanation of the divergency between the statements made by him, and corroborated by Mr. Lindsay, and those authorized by the Emperor of the French. Mr. Roebuck's advocacy of the rebel cause has done it no good. At the same time, it is not advisable to misconceive the nature of the prevailing sentiment in Parliament, which only awaits a favorable occasion to find expression. I now learn that the latest accounts from America of the apathy of the population of the middle States in resisting the movements of General Lee are hailed as symptoms of the proximate surrender of the United States at discretion. We have heretofore had, during the course of this war, a capitulation of General McClellan, with his army, and one of General Hooker, with his force, but it seems that now comes the turn of the government and people. These are worthy of notice only as indications how much the wish is father to the thought in English society.

The turn which the debate may take on Monday night will depend very much on the news that will be received on Saturday. If it be of a kind to encourage the expression of what is really felt, I shall not be surprised to find it very offensive in some quarters. The opposition leaders are generally disinclined to any demonstrations whatever. Several of them, in reality, rather sympathize with us. But the body of their party continue animated by the same feelings to America which brought on the revolution, and which drove us into the war of 1812. Mr. Roebuck gave expression to them in a manner which rather alarmed the timid, who prefer not to commit themselves to what they have a lurking conviction not to be exactly creditable to the nation. He is, however, entitled to consideration for his honesty and frankness. It is, perhaps, as well for the two countries that there should be no want of evidence on the record to establish the facts as they really are for all future time. I know not where we should be able to look for more forcible arguments in favor of a permanent Union, or the preservation of the requisite means to defend ourselves against the efforts of such palpable malevolence.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Adams to Mr. Seward.

No. 449.]

LEGATION OF THE UNITED STATES,
London, July 10, 1863.

SIR: In connexion with your despatch of the 17th of June, (No. 629,) relating to armed vessels fitted out from here, I have the honor to transmit the copy of a letter received from Commodore Thatcher, of the Constellation, reporting certain anticipated movements of the steamer Southerner, now preparing to depart from Liverpool. Copies of the correspondence between Lord Russell and myself respecting that vessel, excepting the final reply of his lordship, received on the 3d of July, and enclosed herewith, have been already laid before you. There never has been any idea in my mind that she could be, technically speaking, denominated a war vessel. But there is no reason why she could not be as

well employed in depredating on the unarmed mercantile navy, as the Japan, the Lapwing, the Tacony, or any other of the ships that could mount a few guns to be so used. I must be permitted to express the belief that the time has arrived when the security of our commerce in Europe depends on the presence of some war steamers of a higher class than have ever yet appeared since the war began.

The Sumter has sailed at last, heavily laden with cannon and stores. It appears that the British government attempted, at first, to stop her, but desisted on the assurance that the heavy guns were only sent as freight. No answer whatever has been given to my representations of the law touching this case. The government which never acknowledges the right of transfer of an armed belligerent vessel to a neutral, when itself a party in the war, has quietly permitted the act to be done in her own ports, when herself a neutral. Of course she cannot venture to go further and reclaim her should she be captured anywhere on the ocean.

But I regret to say that the gravest case of all is now requiring your attention. One of the iron-clad war vessels which have been for so long a time in process of construction at Mr. Laird's yard, in Liverpool, has at last been launched, and is to be seen at that place. I shall not enlarge upon her character, as you will doubtless receive full details from another source. Of one thing there can be no doubt, she is a very formidable war ship. Neither do I question the purpose for which she is designed. Mr. Dudley has already furnished me with some testimony, which I propose to lay before her Majesty's government as a basis for solemn remonstrance, so soon as the necessary copies shall have been made out. The better opinion is, that it will take several weeks to prepare her for departure. In the meanwhile it will be well for the government to make as much use of the warning as possible, in order not to be taken unawares. So far as the matter depends upon me, I shall endeavor, as fully as I can, to carry out the spirit of my instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Commodore Thatcher to Mr. Adams.

UNITED STATES SHIP CONSTELLATION,
Leghorn, June 29, 1863.

SIR: I have the honor to inform you that I have learned from many private sources entitled to credit that a very fast steamer, said to be called the "Southerner," has been built in England, destined for a confederate privateer, to cruise against our extensive commerce in the Mediterranean; and from the fact that a rebel commander, Thos. Jefferson Page, late of the United States navy, has recently arrived at Florence, with the intention, it is believed, of commanding this vessel, I have reason to think this information correct.

This vessel, it is said, will arrive in a Mediterranean port with regular papers and a cargo, but fitted for a cruiser in all respects, except her heavy armament, which can easily be placed on board of her by a similar process to that of the arming of the Alabama. As this sloop-of-war is the only United States vessel in the Mediterranean, and is but a sailing vessel, she could not, of course, successfully pursue a fast steamer, especially at this season of prevailing calms. May I not, therefore, take the liberty of requesting you to urge upon the Navy

Department the necessity of sending, at the earliest possible moment, at *least one* fast and well-armed steamer here before this intended work of destruction shall have been inaugurated.

I have the honor to be, sir, very respectfully, your obedient servant,
 HENRY K. THATCHER,
Commodore United States Navy.

Hon. CHARLES FRANCIS ADAMS,
United States Minister to the Court of St. James, London.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *July 3, 1863.*

SIR: I had the honor on the 12th of June to communicate to you the result of the inquiries which had up to that time been instituted by her Majesty's government with reference to the statements respecting the vessel "Southerner," contained in your letter of the 3d of that month. I, however, added that attention should nevertheless continue to be paid to that vessel, with the view of guarding, as far as possible, against her being equipped in this country, in a manner inconsistent with the provisions of the foreign enlistment act.

I have now to inform you, in fulfilment of that assurance, that her Majesty's government considered it desirable to request the board of admiralty to associate with the custom-house surveyor at Liverpool an officer well acquainted with the build and equipment of vessels-of-war, with instructions to survey the "Southerner," and to report the result to her Majesty's government.

That officer's report has now been received, and I have the honor to acquaint you that the "Southerner" is an ordinary built, iron screw, steam passenger, and cargo vessel of 1,569 tons, fitted with engines of 300 horse-power; that she is also fitted with top-gallant, fore-castle, and poop-deck, with deck-house continuous fore and aft with the same, in the same manner as the Inman line of screw boats sailing between Liverpool and New York; that she is fitted up aft under the poop-deck, with cabin accommodation for about 66 saloon passengers; the fore-castle for the crew, and deck-houses for the ship's officers; that her holds are appropriated for the reception of cargo, and that she is fitted with steam winches for working the same.

The admiralty surveyor further reports that he finds upon examination that her top sides are of iron plates three-eighths of an inch thick, and are in no way fitted or secured for the working of guns, and that she has two gangways fitted one on each side amidships for the purpose of working her cargo.

The surveyor, in conclusion, says that upon fully examining the "Southerner" he cannot find anything with regard to construction or fittings that would leave him to suppose that she was intended for belligerent purposes.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq.

Mr. Seward to Mr. Adams.

No. 651.]

DEPARTMENT OF STATE,
Washington, July 11, 1863.

SIR: Your despatch of the 26th of June (No. 438) has been received, together with three paper books containing a report of the trial of the *Alexandra*.

In giving you the President's views in regard to that case and the questions depending upon it, I labor under some embarrassments, resulting from an ignorance of what may have occurred in Europe since the date of your despatch. It is known here that at that time a movement in the House of Commons demanding a recognition of the insurgents by her Majesty's government was set down for the 30th of June, and that you were not altogether without apprehension that the movement, aided by a moral effect of the verdict in the case of the *Alexandra*, and backed by a supposed patronage in France, might prevail. Secondly, we have not altogether been able to disregard the rumors of a design of the Emperor of France to recognize the insurgents, with or without the concurrence of the government of Great Britain. Thirdly, that movement was to be based upon the ground of the demonstrated failure of the armies of the Union; but while it was going on, those armies have achieved victories which here are regarded as warranting an expectation of a complete and rapid extinguishment of the insurrection. These brilliant and important victories, however, are as yet unknown in Europe.

Under these circumstances, I shall assume that no act has been done by the government of France or by the government of Great Britain, especially by the latter, to change the relations that have heretofore existed between those countries, respectively, and the United States, and I shall confine myself to the duty of explaining frankly the opinions of the President and the policy which he will pursue in regard to maritime questions in view of the result in the case of the *Alexandra*.

First. You are authorized and expected to assure Earl Russell that this government is entirely satisfied that her Majesty's government have conducted the proceedings in that case with perfect good faith and honor, and that they are well disposed to prevent the fitting out of armed vessels in British ports to depredate upon American commerce and to make war against the United States.

Secondly. This government is satisfied that the law officers of the crown have performed their duties in regard to the case of the *Alexandra* with a sincere conviction of the adequacy of the law of Great Britain and a sincere desire to give it effect.

Thirdly. The government of the United States does not descend to inquire whether the jury in the case were or were not impartial. It willingly believes they were so, and it accepts the statement made with so much unanimity by all the reporters of the case, that the judge who presided at the trial made the bench responsible for the verdict by the boldness and directness of his rulings against the prosecution.

Fourthly. Great Britain being a free and constitutional country, and the proceedings in the case of the *Alexandra* having been thus far conducted by the government in good faith and according to law, the United States would not be justified in deeming the verdict rendered by the jury a cause of national complaint, provided that the government prosecutes an appeal to the higher courts until it be determined in the court of last resort whether the law is adequate to the maintenance of the neutrality which her Majesty has proclaimed, and provided also that in the mean time the *Alexandra* and other vessels which may be found violating or preparing to violate the law be prevented, so far as the law may allow, from leaving British ports to prosecute their work of devastation.

The President is not prepared to believe that the judiciary of Great Britain will, with well-considered judgment, render nugatory and void a statute of the realm which, with its counterpart in our own legislation, has hitherto been regarded by both nations as a guarantee of that mutual forbearance which is so essential to the preservation of peace and friendship. Nor shall I incur the hazard of producing irritation on either side of the ocean by criticising the reasoning by which the learned judge who tried the case of the *Alexandra*

justified his conclusions thereon, or by which that portion of the British press which approves the verdict labors to defend it.

It would be very gratifying to me if I were allowed to rest here. But the position in which the case of the *Alexandra* is left by the recent trial renders it necessary to contemplate a possible affirmation of the rulings of the chief baron in the court of dernier resort. You are entitled to know, and it seems proper that you should be able to communicate to her Majesty's government, the views which the President has taken of the rights and duties of this government in that unlooked-for and deeply to be deprecated event. I trust that I shall be able to express those convictions calmly and dispassionately without wounding the just self-respect of her Majesty's government. If the rulings of the chief baron of the exchequer in the case of the *Alexandra* shall be affirmed so as to regulate the action of her Majesty's government, the President will, as he thinks, be left to understand that there is no law in Great Britain which will be effective to preserve mutual relations of forbearance between the subjects of her Majesty and the government and people of the United States in the only point where they are exposed to infraction. The fitting out of the *Alabama* and the *Florida*, as well as of the *Alexandra*, will thus receive the sanction of the government, and the United States will be without any guarantee whatever against the indiscriminate and unlimited employment of capital, industry, and skill, by British subjects, in building, arming, equipping, and sending forth ships-of-war from British ports to make war against the United States.

I may safely protest, in behalf of the United States, against the assumption of that position by the British nation, because this government, with a statute exactly similar to that of Great Britain, does constantly hold itself able and bound to prevent such injuries to Great Britain. The President thinks it not improper to suggest for the consideration of her Majesty's government the question whether, on appeal to be made by them, Parliament might not think it just and expedient to amend the existing statute in such a way as to effect what the two governments actually believe it ought now to accomplish. In case of such an appeal the President would not hesitate to apply to Congress for an equivalent amendment of the laws of the United States if her Majesty's government should desire such a proceeding, although here such an amendment is not deemed necessary.

If the law of Great Britain must be left without amendment, and be construed by the government in conformity with the rulings of the chief baron of the exchequer, then there will be left for the United States no alternative but to protect themselves and their commerce against armed cruisers proceeding from British ports, as against the naval forces of a public enemy; and also to claim and insist upon indemnities for the injuries which all such expeditions have hitherto committed or shall hereafter commit against this government and the citizens of the United States. To this end this government is now preparing a naval force with the utmost vigor; and if the national navy, which it is rapidly creating, shall not be sufficient for the emergency, then the United States must bring into employment such private armed naval forces as the mercantile marine shall afford. British ports, domestic as well as colonial, are now open, under certain restrictions, to the visits of piratical vessels, and not only furnish them coals, provisions, and repairs, but even receive their prisoners when the enemies of the United States come in to obtain such relief from voyages in which they have either burned ships they have captured, or have even maimed and armed them as pirates and sent them abroad as auxiliaries in the work of destruction. Can it be an occasion for either surprise or complaint that if this condition of things is to remain and receive the deliberate sanction of the British government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law

of nations and the obligations of neutrality, become harbors for the pirates? The President very distinctly perceives the risks and hazards which a naval conflict thus maintained will bring to the commerce and even to the peace of the two countries. But he is obliged to consider that in the case supposed the destruction of our commerce will probably amount to a naval war waged by a portion at least of the British nation against the government and people of the United States—a war tolerated although not declared or avowed by the British government. If, through the necessary employment of all our means of national defence, such a partial war shall become a general one between the two nations, the President thinks that the responsibility for that painful result will not fall upon the United States.

In stating thus frankly the views of this government, it is proper for me to add that it is not the President's purpose to resort to the extraordinary measures of defence to which I have referred, unless they shall be rendered necessary by a final decision of the British government that it cannot and will not interfere to restrain the hostilities which are now apprehended; nor will I allow myself to suppose that her Majesty's government will for a moment conceive that anything I have written upon this point is written in a spirit of mere demonstration; on the contrary, while the pacific and friendly disposition of her Britannic Majesty's government is fully appreciated and relied upon, it is well understood that that government is the last one in the world to yield to vehemence what cannot be conceded in equity and justice. So, on the other hand, it ought to be understood that the United States, if they could ever be presumptuous, are sufficiently chastened already by the scourge of civil war to seek peace and friendship with Great Britain and all other nations through any concession that is compatible with the permanent interests of national life and honor.

For your own information, and to enable you to maintain the national rights and interests with your accustomed firmness, I have the pleasure of stating that our naval force is steadily and rapidly increasing. The navy has already in actual service forty-four thousand men. New, better, and more effective steamships, iron-clads, as well as others, are coming from the docks; and we do not distrust our ability to defend ourselves in our harbors and on the high seas, even if we must unhappily be precipitated, through injustice in Europe, into a foreign war. The fall of Vicksburg releases a large naval force for effective service, while the free navigation of the Mississippi, now immediately expected, will restore to us our accustomed facilities for foreign conflict. The same great event relieves the army of General Grant, which numbers one hundred thousand men, from the labors and fatigues of a siege, and gives us movable columns for uncompleted purposes of the war. The capture of Vicksburg, the occupation of Tullahoma, and the defeat of the insurgents in Pennsylvania, are the achievements of the campaign which was proposed in the last autumn. The army which has performed them is still strong and effective. It will now be re-enforced, easily and cheerfully, by the people with an addition of three hundred thousand men. On the other hand, the insurgents have, within the last month, sustained an aggregate loss of fifty thousand men, which, I think, it will be very difficult, if not impossible, to replace, and, without their being replaced, their military strength can hardly be deemed permanently formidable.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 652.]

DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: You are probably aware that Mr. P. McD. Collins, the commercial agent of the United States at Amoor river, on the Pacific, has for several years past been engaged in negotiations with the Russian government with the view to the construction of a line of telegraph between St. Petersburg and his post on the Amoor, thence to the Russian settlements in America, by the way of Behring's strait, and thence southward across British America, on the Pacific, to San Francisco. In a despatch to the department from St. Petersburg of the 18th ultimo, Mr. Collins represents that he had brought his negotiations with the Russian government to a satisfactory close, and was about starting for London in order to make arrangements with that of Great Britain for the transit of the line through British territory. He asks that he may have your assistance in the matter. This you are authorized and directed to give in such way and to such an extent as to you may seem most likely to compass the object desired.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 653.]

DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your despatch of June 25 (No. 435) has been received, and your several proceedings therein related are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 654.]

DEPARTMENT OF STATE,
Washington, July 13, 1863.

SIR: Your despatch of the 23d of June (No. 437) has been received. The correspondence of Mr. Conway with James M. Mason was not less chimerical than criminal. The President appreciates the generosity manifested by the executive committee of the Emancipation Society in their disclaimer of a previous knowledge of Mr. Conway's purpose, and of all sympathy with him in his designs, not less injurious to the cause of human rights than disloyal to the Constitution and government of the United States. So far as Mr. Conway is concerned, the government has not thought his proceeding of sufficient importance to adopt any measure in regard to it.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., *&c., &c., &c.*

Mr. Seward to Mr. Adams.

No. 655.]

DEPARTMENT OF STATE,
Washington, July 14, 1863.

SIR: We have advices from Port Hudson of the 3d of July. The siege was then vigorously maintained, and there is reason to believe that re-enforcements, if thought necessary, have since been supplied by General Grant. The 8th of July gave us our last intelligence from Vicksburg, and it enables me to correct some of the details of the results of the capitulation contained in my recent telegram. More than twenty-seven thousand (27,000) prisoners had already then been paroled, and the task was not yet completed. There were found in various parts of the city, concealed and otherwise, sixty-six thousand (66,000) stands of small arms, and still new searches discovered new deposits of the same sort. The whole amount of ordnance captured, including siege and sea-coast guns, exceeded two hundred (200.) The supply of ammunition surpasses belief. It would have sufficed for six years of defence, if used at the rate that it was consumed during the siege. The military stores, chiefly clothing for soldiers, is estimated at five millions of dollars, insurrectionary currency. General Sherman was in hot pursuit of Johnson's forces.

The insurgent army, under Bragg, has been driven out of Tennessee into Alabama.

Rear-Admiral Dahlgren was expected to assault Morris island, which is one of the defences of Charleston, on the 9th.

Lee's insurgent army has retreated before General Meade, and is now understood to be compactly posted near the fords of the Potomac, and wholly lies between the banks of that river and the Union army. Lee's losses in the late battles are believed to have been thirty-three thousand (33,000) men. A solution of the problem of invasion is expected hourly, and therefore I refrain from conjecture concerning it.

There is some popular disturbance at New York arising out of the draft. The journals of that city, going out by to-morrow's steamer, will give you, probably, the full development of the movement. At present it does not seem to be formidable, although the occurrence of it is a subject of much regret.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[By telegraph.]

DEPARTMENT OF STATE,
Washington, July 15, 1863.

SIR: Port Hudson unconditionally surrendered on the 9th of July. Bragg is reported to be retreating from Chattanooga. Lee is retiring from the Potomac. The movement at Charleston has begun favorably.

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 452.]

LEGATION OF THE UNITED STATES,
London, July 16, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 635 to 639 inclusive, together with a box containing a silver medal, intended for William Griffiths, esq.

The only event of interest during the week has been the final withdrawal of his motion by Mr. Roebuck. I transmit a report of the debate of Monday evening. The part taken in it by Mr. Lindsay will not escape your attention, and, more especially, the allusions to a correspondent at Paris, through whom the conference with the Emperor was obtained. The subject is disposed of for the present session of Parliament, unless revived by some extraordinary course from without. The present impression is, that the prorogation will take place about the 28th instant, in which case little more business will be done after this week.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Mr. Seward.

No. 453.]

LEGATION OF THE UNITED STATES,
London, July 16, 1863.

SIR: I now have the honor to transmit a copy of my note to Lord Russell of the 11th instant, making a representation on the subject of the iron-clad vessel launched from Mr. Laird's yard, at Liverpool. It has been acknowledged by his lordship, in a note, a copy of which is also appended.

I have received from Mr. Dudley two additional depositions, which I purpose to transmit to his lordship this day.

In connexion with this subject, I beg to call your attention to the reply, addressed by Mr. Hammond, on behalf of Lord Russell, to the signers of the Liverpool memorial, suggesting some alteration in the enlistment act. Both papers are printed in the copy of the Times of the 13th instant, which I transmit. It may be inferred from this that the government will persist in their efforts to enforce the provisions of the enlistment act through the courts, reserving to themselves an avenue of escape by reason of any failure to be supplied with evidence of intent to violate them. Whether they expect the duty of looking this up to be performed by us, or they design to seek it also from other sources, does not clearly appear.

It is stated in the newspapers that the lords of the admiralty have issued a notice to the naval reserve that any member taking service with a belligerent will forfeit all his privileges; shipping masters are requested to report all cases, so that they may be dealt with.

On the whole, I think there is an increasing conviction of the necessity to enforce the obligations of neutrality, notwithstanding the strong leanings of the higher classes.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, July 11, 1863.

MY LORD: It is with unaffected regret that I perform the duty incumbent on me, as the representative of the government of the United States, of laying before you copies of a letter from the consul of the United States at Liverpool, and of four depositions, all intended to show a determined perseverance in the same acts of hostility at the port of Liverpool which have formed the subject of my remonstrances almost from the day I had the honor first to occupy this post.

In many preceding communications I have endeavored to set forth the facts which appear to me to prove, beyond the possibility of a doubt, the establishment on the part of the insurgents in the United States of a systematic plan of warfare upon the people of the United States, carried on from the port of Liverpool, as well as in less degree from other ports in this kingdom. In this policy the persons who have been sent out and have acted as agents have received the aid and effective co-operation of numbers of her Majesty's subjects. The results of this conduct have been felt in the despatch of numbers of steam vessels laden with arms and munitions of war of every description, together with other supplies, well adapted to procrastinate the struggle, with the purpose of breaking a blockade legitimately established and fully recognized by her Majesty in the proclamation issued by her forbidding all such acts.

It is needless to point out to your lordship how exclusively this business has been carried on by British subjects in British vessels, and how much the burden of war has been increased by the necessity of maintaining a corresponding naval force on the ocean in order to suppress it. Nor yet will I enlarge upon the use to which the British islands of Bermuda and New Providence have been put by British subjects, as convenient points for the storing of all these supplies, to the end that they may be more easily despatched to their illegal destination.

But, not satisfied with the aid thus obtained, the next step of the agents alluded to has been to enlist the aid and co-operation of British subjects in constructing for their use steam vessels expressly adapted to the object of carrying on war against the commerce of the people of the United States. The extent to which this has been actually procured has been made visible to your lordship in the various remonstrances heretofore presented by myself to your attention, unhappily too little heeded to secure prevention, and still more by the fact that, for all the vessels now on the ocean engaged in the work of depredation on the commerce of the United States, British subjects must be held responsible in regard to their construction, equipment, manning, and outfit.

Furthermore, it appears that the aforesaid agents, under express instructions from the so-called authorities of the insurgents, who soon fell short in the pecuniary means to conduct these extreme warlike operations, have solicited the assistance of her Majesty's subjects in this kingdom in advancing to them the funds to be appropriated to these objects. The purpose of this application, to carry on the war with the people of the United States with the means thus raised, was distinctly declared. To that end a loan of three millions of pounds sterling was proposed. That negotiation was entered into, and the means have actually been obtained in a great measure from the contributions of her Majesty's subjects.

Thus it is manifest that all of those things denominated the sinews of war, to wit: men and money, ships, arms, gunpowder, and supplies, have been continually furnished by her Majesty's subjects almost from the beginning of the contest. A war has thus been practically conducted by a portion of her people

against a government with which her Majesty is under the most solemn of all national engagements to preserve a lasting and durable peace.

The government of the United States has in the mean time tried not to be wanting in performing the obligations incumbent upon it as a friend of Great Britain. In every particular in which it has been called upon in a suitable manner it has labored promptly to meet and satisfy every just cause of complaint. So far as possible, consistently with the difficulties in which it has been placed, it has assiduously striven to cultivate the most friendly relations. It has been, therefore, with the greatest regret that it has been compelled to feel itself the innocent object of a degree of active malevolence from a portion of her Majesty's subjects, which has largely contributed to aggravate the severity of its trials. The fact that the aid extended to this rebellion has had its source almost exclusively from her Majesty's subjects is made too notorious by the events of the struggle to need to be further enlarged upon. In making this representation, I do not intend to be understood as implying the smallest disposition on the part of her Majesty's government in any way to sanction or even to tolerate the proceedings complained of. On the contrary, I cheerfully renew my conviction that they condemn them as practical infringements of international obligations, which it is their desire to prevent with all the means under their control. Fruitless as have been the greater part of remonstrances which I have had the honor to make, I am well aware that the causes assigned for it do not relate to the want of will so much as to the absence of power in the existing laws to reach a remedy. But admitting this to be the case, if an injury be inflicted upon an innocent friendly nation, it surely cannot be a satisfactory reply to its complaints to say that the government having the will is not also clothed with the necessary powers to make reparation for the past and effective prevention for the future.

Having thus acquitted myself of the painful duty of recapitulating the points I am instructed by my government to present, I now have the honor to solicit your attention to the evidence of the last and gravest act of international hostility yet committed. It is the construction and equipment of a steam vessel-of-war, of the most formidable kind now known, in the port of Liverpool. All the appliances of British skill to the arts of destruction appear to have been resorted to for the purpose of doing injury to the people of the United States. The very construction of such a vessel, in a country itself in a state of profound peace, without any explanation of the object to which it is to be applied, is calculated to excite uneasiness on the part of those involved in a contest where only it could be expected to be made of use. But when it further appears that it is constructed by parties who have been already proved to have furnished one vessel-of-war to the insurgents in America, and who are now shown to be acting in co-operation with their well-known agents on the spot in the preparation of that now in question, it is not unnatural that such proceedings should be regarded by the government and people of the United States with the greatest alarm, as virtually tantamount to a participation in the war by the people of Great Britain to a degree which, if not seasonably prevented, cannot fail to endanger the peace and welfare of both countries. I trust I need not assure your lordship how deeply concerned is the government which I have the honor to represent in the view of any such possibility, and how earnestly it hopes that her Majesty's government having the will may find itself likewise vested with the needful power to guard against any such occurrence.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be your lordship's obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *July 13, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, and I have to state to you that I have lost no time in communicating with the proper departments of her Majesty's government relative to the steam vessel-of-war which is stated to be in process of construction at Liverpool, in order that such steps may be taken in the matter as can be legally and properly adopted.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Mr. Seward.

No. 454.]

LEGATION OF THE UNITED STATES,

London, July 16, 1863.

SIR: In obedience to the directions contained in your despatch (No. 630) of the 18th of June, I addressed a note to Lord Russell in respect to the claim made in the case of the *Golden Eagle*, destroyed by the *Alabama*.

At the same time I transmitted two depositions, furnished to me by Mr. Dudley, the consul at Liverpool, respecting the case of the *Henrietta*.

I seized the opportunity to send another representation as to the ownership of the *Japan*, which has likewise been supplied by Mr. Dudley. Copies of this note, with the accompanying papers, and of his lordship's answer of the 13th instant, are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, July 7, 1863.

MY LORD: As constituting one of the claims of citizens of the United States growing out of the lawless depredations upon American commerce by vessels fitted out and sent from the ports of Great Britain, I am directed to transmit to your lordship copies of the papers herewith submitted, marked A.

I have the honor, at the same time, to annex copies of two other depositions, furnished to me from the consul of the United States at Liverpool, relating to the same general subject, marked B.

It is with great regret that I feel myself once more compelled to call your lordship's attention to the circumstances attending the outfit of the steamer called the *Japan*. It now appears that that vessel was at the time of her escape, and has continued until very lately to be, the property of a British subject residing in Liverpool. That person is Thomas Bold, a member of the commercial house

of Jones & Co. I have information which leads me to believe that only within a few days has Mr. Bold notified the collector of customs at Liverpool of his sale of this vessel to foreign owners, and requested the register to be cancelled. That act was not completed until the 23d of June last. It would appear, from these facts, should they prove to be true, that this vessel has remained the property of a British subject during a considerable time, in which she has been engaged in committing extensive ravages upon the commerce of a nation with which her Majesty is at peace. The fact of the outfit of that vessel for hostile purposes has already occupied the attention of your lordship, in consequence of former representations unhappily made too late for effective interposition. But the circumstance of the retention of the ownership by a British subject for so long a period after she was known to be engaged in hostilities against the United States is of too grave a character to justify me in omitting to call your lordship's particular attention to it in advance of the possibility of receiving instructions respecting it.

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *July 13, 1863.*

SIR: I have to acknowledge the receipt of your letter of the 7th instant, enclosing papers relative to the destruction of the American ships Golden Eagle and Henrietta by the Alabama and Florida, and calling attention to the circumstance that the Virginia continued up to the 23d ultimo to be the property of a British subject residing at Liverpool. So far as it may be intended, by the communication of the enclosed papers, to assert or record a claim against her Majesty's government on account of the destruction of those vessels, I would beg leave to refer you to my letter of the 9th of March last, and to repeat that her Majesty's government entirely disclaim all responsibility for the acts of vessels-of-war of the so-styled confederate government.

I have, however, called for a report from the proper authorities with regard to your statement respecting the Virginia.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c. &c., &c.

Mr. Seward to Mr. Adams.

No. 656.]

DEPARTMENT OF STATE,

Washington, July 18, 1863.

SIR: Your despatch of July 1 (No. 441) has been received, together with the report of the debate which occurred on the 30th of June in the House of Commons on the motion of Mr. Roebuck for proceedings hostile to the United States.

I perceive that the discussion was adjourned to the 9th instant. I shall therefore defer consideration of it until we shall have learned here the answer which the government of Great Britain has given to Mr. Roebuck's proposition.

Meantime, however, I must not omit to say that I lost no time in putting

forth a correction of the statement that her Majesty's government had abused the Emperor's confidence by putting into my hands a printed communication of Mr. Drouyn de l'Huys. A copy of that publication accompanies this despatch.

If it seems possible to draw consolation for errors of our own citizens from parallel mistakes committed by subjects of other powers, I might remark with some satisfaction that the irregular diplomacy of some Americans sojourning in Europe compares not unfavorably with the achievements of Mr. Roebuck, as a voluntary negotiator between her Majesty's government and that of France.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 657.]

DEPARTMENT OF STATE,
Washington, July 20, 1863.

SIR: The insurgent army, under Lee, is understood to be either stationary or moving in the valley of the Shenandoah. The army of the Potomac, under General Meade, is in Virginia, preliminarily occupied in observing the proceedings of the insurgents. The first reports of the battle of Gettysburg appear to have been substantially free from exaggeration. It is not doubtful that Lee suffered a loss of more than thirty thousand (30,000) men.

The unconditional surrender of Port Hudson was communicated to you by telegraph. General Sherman's pursuit of Johnson through Jackson, in Mississippi, is reported as having been crowned with important results. But the details are not yet officially confirmed. We hear that the raid of Morgan into Indiana and Ohio is resulting disastrously to the insurgents. The movements of the national land and naval forces, in approaching Chattanooga, are very vigorous, and thus far reasonably successful.

The riot in New York developed features which impair, at least for the moment, its political effect. It yielded to the presence rather than to the power of the military force which was promptly gathered there by the War Department. There are apprehensions of a renewal of such resistance when the execution of the draft shall be resumed, and a sympathy with the resisters reveals itself in some other cities and towns. It is not easy to discern how far these apprehensions are just. I think, however, that by a firm yet prudent course further disturbance will be averted, while the law of Congress will be executed and the national authority fully maintained. I am yet without information of the result of the motion of Mr. Roebuck.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 660.]

DEPARTMENT OF STATE,
Washington, July 23, 1863.

SIR: Your despatch of the 2d instant has been received, together with its accompaniments, the resolutions of the inhabitants of Bolton, in Lancashire, and of the Association of the Ministers and Deacons of the Congregationalists

of Merionethshire, held at Dolgelly, in North Wales. I have submitted their spirited and encouraging expressions of the public opinion of Great Britain to the President, and I have to request you (if it shall be agreeable to her Majesty's government) to communicate to the parties concerned the assurances of his grateful acknowledgment and appreciation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 661.]

DEPARTMENT OF STATE,
Washington, July 23, 1863.

SIR: I have the honor to acknowledge the receipt of your interesting despatch of the 3d instant. In communications sent to you by the last mail I have already anticipated the comment which the despatch would otherwise elicit.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 662.]

DEPARTMENT OF STATE,
Washington, July 23, 1863.

SIR: I have to acknowledge the receipt of your despatches, No. 442 of the 2d instant and No. 447 of the 3d, and to express my approval of them. No. 451 of the 10th instant has also been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 456.]

LEGATION OF THE UNITED STATES,
London, July 23, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 640 to 644 inclusive, and of a telegram dated the 7th instant, giving the satisfactory intelligence of the fall of Vicksburg. I communicated this news at once, by telegraph, to Mr. Dayton, at Paris.

So completely has the public become convinced of the correctness of the representations continually made in the London press of the desperate condition of our affairs, and of the triumphal progress of General Lee, that the expectation was almost universal to hear of his taking possession of Washington. Much of panic had pervaded the minds even of many loyal Americans here, who found themselves unable to resist the pressure of the atmosphere around them. The astonishment created by the announcement of the actual facts on Sunday may well be imagined to have been in corresponding proportion. I need not

add that the disappointment amongst the English was quite in the same measure. Many of the newspapers at first refused to believe in the surrender of Vicksburg.

The evidence thus obtained of this truth does not, however, appear to render any change necessary in the policy heretofore adopted by America towards Great Britain. That policy is the preservation of peace as the main instrument, not so much to alter these feelings as to guard against the evil effects of them. The chief hope being that the disruption of the Union might be the inevitable consequence of the present contest, our aim obviously can be no other than to persevere to the end of a complete restoration. The position of Great Britain should be set up as a beacon to warn us against the danger of domestic divisions for at least a century to come. We have a mission to fulfil. It is to show, by our example to the people of England in particular, and to all nations in general, the value of republican institutions. There is now a sanguine expectation that by reason of our incompetency to meet the immediate emergency, that mission may be shown to have failed, and those institutions correspondingly discredited. The greatest triumph of all would be to prove these calculations vain. In comparison with this, what would be the gain to be derived from any collision with the powers of Europe?

In the mean time the indications of uneasiness in the relations of the continental powers continue very marked. The Emperor of Russia is evidently preparing for difficulties in the spring. And although the ministry here have taken pains to announce their determination not to press matters about Poland to the point of war, there is some fear lest the French Emperor should be able to involve Great Britain in it, as he did in 1854, by the pressure of the popular sentiment. Parliament is on the eve of prorogation. The customary interval of repose in Europe is expected to take place, which will probably operate as a relief to us as well as to all other civilized nations. I trust that we may be enabled so far to improve it as to render the inducements to ultimate interference by no means commensurate with the danger of attempting it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Mr. Seward.

No. 459.]

LEGATION OF THE UNITED STATES,

London, July 24, 1863.

SIR: I have the honor to transmit a copy of my note to Lord Russell of the 16th instant, together with two more depositions relating to the iron-clad vessel launched from the yard of Mr. Laird. I am given to understand that there is still much hesitation among the law officers as to the sufficiency of the evidence to establish intention in this case. I have not omitted to convey indirectly my conviction that any failure to act in season might be attended with the most serious consequences.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, July 16, 1863.

MY LORD: I have the honor to submit to your consideration copies of two more affidavits, in addition to those already sent with my note of the 11th instant, relating to the war vessel now believed to be fitting out against the United States at the port of Liverpool.

I pray your lordship to accept the assurances, &c., &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, July 15, 1863.

SIR: Referring to the application that I made to you on the 7th instant to stop the iron-clad steam ram building by the Messrs. Laird for the insurgents in the United States, and which was launched on the 4th instant, in addition to the affidavits I then submitted to you, and that of Joseph Brady, on the 11th instant, I now submit one other, that of Austin Joseph Hand, which shows this vessel, and the other ram not yet launched, are being built under the superintendence of Captain James D. Bullock, the well-known agent of the so-called southern confederacy in this country for building war vessels.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

S. PRICE EDWARDS, Esq.,
Collector at Liverpool.

Affidavit.

I, John Brady, of No. 10 Livingstone street, Birkenhead, in the county of Chester, make oath and say: I have worked in the ship-building yard of Messrs. Laird & Co., at Birkenhead, for several years. I am now in their service as a boiler-maker. I remember the keels of two iron-plated vessels-of-war being laid alongside each other at the southern end of the yard about the end of last year. One of the said vessels was launched on the 4th day of July instant. I have seen Captain Bullock in the yard very frequently whilst the iron-clad vessels, above mentioned, have been building. He was very often with the foreman who attended to the building of the vessels in question, or with one of the Messrs. Laird. He paid particular attention to the vessels in question, and his business in the yard appeared to be to look after building of _____, the vessels above mentioned.

JOHN BRADY.

Sworn at Liverpool, in the county of Lancaster, this 11th day of July, 1863, before me.

S. PRICE EDWARDS.

Affidavit.

I, Austin Joseph Hand, of 35 Crosby street, Liverpool, in the county of Lancaster, make oath and say: I am a calker, and work in the yard of Messrs. Laird, at Birkenhead. I went to work in their yard just before the Alabama was launched, and have worked there ever since. I remember the time the keels of the two iron-plated steam rams were laid alongside of each other at the south end of their yard. They were laid after the Alabama was launched. They are both armed on the stem with a ram, and, no doubt, are intended for war purposes. One of them was launched on the 4th day of the present month of July. I saw the keels of these two vessels laid. I saw Captain Bullock at the Alabama before she was launched, and afterwards at these two iron-clad rams. I have seen him in the yard a number of times; sometimes with one of the Messrs. Laird, at other times with the foremen of the yard. He was there assisting and superintending the laying of the keels of these two iron-clad rams. On the occasions I have spoken of, when I have seen Captain Bullock in the yard since the launching of the Alabama, his business seemed to be in connexion with these two iron-clad rams and the superintendence of their building.

AUSTIN J. HAND.

Sworn and subscribed to before me, the collector at Liverpool, this 15th day of July, 1863.

SAM. PRICE EDWARDS.

Mr. Seward to Mr. Adams.

No. 663.]

DEPARTMENT OF STATE,
Washington, July 24, 1863.

SIR: I have received and have communicated to the Secretary of the Navy your despatch of the 10th of July, No. 449. You may rely, I think, upon everything being done that can be done to resist the formidable naval attack which is being prepared for us on the British shores. It may be hoped, in view of some changes which have recently occurred in our military situation, that the British government will not be indifferent to transactions occurring there which tend so strongly towards alienation and war.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 664.]

DEPARTMENT OF STATE,
Washington, July 24, 1863.

SIR: Your despatch of the 9th of July (No. 448) has been received.

Before this time the original intercepted insurrectionary correspondence will have reached England. This, although too late for the case of the Alexandria, will be seasonable for the case which has arisen.

I still reserve comment upon the proceedings on Mr. Roebuck's motion until they shall have attained a practical result.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

No. 665.]

DEPARTMENT OF STATE,
Washington, July 28, 1863.

SIR: Lee's army is passing down towards the Rappahannock. The army of the Potomac, in good condition and spirit, is alert and active. Morgan's entire invading force has been captured. General Grant's army, having driven the insurgents beyond Jackson, in Mississippi, is preparing for new fields of duty. The siege of Charleston is vigorously continued, although not unattended by the casualties incident to similar operations. There are collateral and subordinate successes in Tennessee, Mississippi, and North Carolina. Appearances indicate a passage through the difficulties which attend conscription as a measure hitherto unknown to the present generation of American citizens, and scarcely known as a general policy in our history.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 666.]

DEPARTMENT OF STATE,
Washington, July 28, 1863.

SIR: Enclosed is an unsealed letter of the 25th instant, addressed by me to Thomas Bayley Potter, esquire, of Manchester, in reply to a communication from him, as the chairman of a large public meeting then (12th June) recently held in the Free Trade Hall. I will thank you to read my reply, and if you shall see no impropriety in it, to forward it to its address.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

*Mr. Seward to Mr. Potter.*DEPARTMENT OF STATE,
Washington, July 25, 1863.

SIR: I have had the honor to receive from the Reverend Dr. Massie and the Reverend J. H. Ryland your address, in the name of a large public meeting which was recently held at Free Trade Hall, in Manchester, to the President of the United States, together with the papers which constitute the accompaniment of that communication. These papers have been submitted to the President of the United States, and I am charged by him to inform you that he has read them with the most lively satisfaction, and with a profound sense of the obligation which the reverend religious pastors in France and the reverend religious pastors in Great Britain have laid upon the world by their correspondence with each other, and their common address to the Christian ministers and pastors throughout the United States. The proceedings of the meeting at Free Trade Hall, and its address to the President, touchingly and admirably harmonize with the sentiments which pervade the correspondence before mentioned.

The parties in these proceedings will readily understand that the attempted revolution in the United States seriously affects this government and American society itself in many ways which it has not fallen within the province of those parties to examine. While the interests thus naturally and not improperly overlooked in Europe furnish the strongest possible motives to the people of

the United States for suppressing the insurrection and maintaining constitutional government received at the hands of their fathers, the President readily accepts and avows as an additional and irresistible motive the suggestion made by friends of our country in Europe, that the success of the insurrection would result in the establishment, for the first time in the history of the human race, of a state based upon the exclusive foundations of African slavery.

I have the honor to be, sir, your very obedient servant,

WILLIAM H. SEWARD.

Mr. THOMAS BAYLEY POTTER, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 667.]

DEPARTMENT OF STATE,

Washington, July 29, 1863.

SIR: Your despatch of the 16th of July has been received and has been submitted to the President.

The remonstrance you have presented to Earl Russell in regard to the preparation of the new steam rams is approved. It is with pleasure that I find you have thus anticipated, and have executed in so effective a manner, the chief part of the instructions contained in my despatch addressed to you on the 11th instant, and numbered 651. Nor is it less gratifying that you have expressed yourself in the very spirit of that instruction.

No one can absolutely foresee the vicissitudes of any war, especially if it be a civil conflict. Yet statesmen and governments must deal with events as they occur, and allow them the significance they seem to wear. I think, therefore, that you will do well to inform Earl Russell that, in the opinion of the President, the recent military and naval operations justify an augmented confidence that the insurrection, if it do not receive new and extensive foreign aid, must fail. Should it receive such aid, and thus renew its vigor, then the war, hitherto a civil war, will become a foreign and aggressive invasion. We are sure that her Majesty's government has no purpose or desire that the conflict shall take that form by means to be derived from Great Britain, because it would be unjust in itself, and perhaps not less injurious to that country than to the United States. Moreover, the law of nations is made up of the principles which are settled in the conflicts of states. What is done and tolerated in this conflict is likely to be accepted as a standard for determining what may be done and tolerated in civil wars in other countries. In connexion with this subject, I send you a copy of an instruction of this date, which has been sent to Mr. Dayton. You will make its contents known to Earl Russell.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 668.]

DEPARTMENT OF STATE,

Washington, July 29, 1863.

SIR: Your despatch of the 16th of July (No. 454) has been received, and your proceedings therein are approved. You will be expected to communicate to this department the further decision which Earl Russell has authorized you to look for, in regard to the Virginia, as soon as it shall have been received.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 669.]

DEPARTMENT OF STATE,
Washington, July 30, 1863.

SIR: I have your despatch of the 16th of July, (No. 452,) which informs me of Mr. Roebuck's withdrawal of his motion for a recognition of the insurgents on the 13th instant. A careful observation of events as they were transpiring in Great Britain had prepared us for this result.

* The concurrence of many important incidents entitles us to regard the present hour as a crisis of our civil war. The campaign in Virginia, Ohio, Tennessee, Mississippi, and Louisiana, although it had been well matured, and was prosecuted with great assiduity and unsurpassed heroism, was, nevertheless, attended, until recently, by discouraging delays, reverses, and disasters. The insurgents had gotten up with much skill and energy a loan abroad, based on an assumption of their eventual success, which seemed to promise them an available and durable credit in the European market. This achievement enabled them to employ, without stint, many artificers of Great Britain, and some other countries, in furnishing all the materials and machinery of land and naval warfare, while they threatened to constrain the world's manufactures into an advocacy of their sovereignty and independence. Successes like these procured for them political agencies in France and Great Britain, which, repressing the national sentiments of those countries, and stifling even their sympathies with the cause of progress and humanity in Europe as well as in America, made it seem for a time, at least, probable that the two powers, which are the most dominating and, therefore, the most interested in the stability of this nation with its free government and liberal institutions, would combine to overthrow, devastate and destroy whatever of government, commerce, and culture had been created on this continent. The conspiracy against our country, which thus flourished apparently unchecked in so many of the slave States, and which had effected such startling combinations in Europe, borrowed aid which cannot be condemned or deplored too much from interests in the loyal States that counseled the obtaining of peace, indolence, personal exemptions and partisan advantages at the imminent hazard, if not at the certain cost, of even a dissolution of the Union, and a surrender as well of the liberties of the country as of its hitherto supposed well assured and beneficent destiny. This concurrence of signs, favorable to the success of the insurrection, raised the hopes of its authors to a stage of presumption. They broke and trampled upon the cartels of military exchanges, defied and despised well-prepared assaults, set on foot invasions of the loyal States, and demanded passage and admission for a representative, on equivocal pretences, at Washington. Such audacity is of itself, for a season, and in favorable circumstances, no contemptible element of political force.

But the imposing fabric of insurgent expectations has been suddenly shattered. The campaigns, so long unsuccessful, have culminated in victories which, as a whole, are as demonstrative and fruitful as, perhaps, ever attended any combination of military and naval movements when the theatre was a continent. The basis has fallen out of their fiscal system. Their pretended securities sell at the rate of nine cents on the dollar at home, where, at last, their value abroad must always be ascertained. The insurgents must hereafter base their claims on foreign nations for material and capital—not, as heretofore, upon promises of speculative profit, but upon the charity of contributors. France and Great Britain, relieved of artificial and exaggerated importunities, will have abundant leisure to consider the morality and justice of recognition, as well as the possible dangers and evils which may attend the attempt to renew European domination on a continent that, with very opposite ideas of government and social sentiments, is rapidly advancing to an equality in population, wealth and

power with Europe itself. It begins to be seen that, although, like every other country, the United States are not exempt from faction, yet, the people need only to see and to realize any new national danger, and time to measure the amount of sacrifices required, to avert it. When they have done this, the last sacrifices are as cheerfully made as the first. Arrogance, menace, and military severity on the part of the insurgents have given place to spasmodic demands for new and final levies of men and money, now discovered to be essential for mere self-defence.

What is the instruction of this crisis? I do not forget that war, especially civil war, is capricious. I know very well that the rainbow, which appears when the clouds have parted, is not always a sure sign that even worse tempests are not gathering in the political skies. Nevertheless we must act upon such indications as Providence is pleased to favor us with, always applying to them the test of experience. One of the instructions of experience is, that, usually, a short and convulsive life is appointed to factious, while nations, like individuals, though obliged to encounter many successive and fearful dangers, are yet created to endure and fulfil great ends. So we regard the present stage of this contest as reassuring us of the ultimate deliverance of the country, and the salvation, in their full extent, of its territory and its free institutions.

At the moment, however, when we are accepting this satisfactory view, we find that we are drifting, notwithstanding our most earnest and vigorous resistance, towards a war with Great Britain. Our commerce on the high seas is perishing under the devastation of ships of war that are sent out for that purpose from British coasts, by British subjects, and we hear of new corsairs and more formidable armaments of that kind, designed even to dislodge us from the military occupation of insurgent ports and to burn and destroy our principal cities, and these armaments, it is represented to us by imposing British authorities, the government of Great Britain is not authorized by the laws of the realm to restrain. It cannot be deemed offensive to say that at any period of our history when we were not suffering from intestine war, these injuries would not have been borne. At least it is true that they were not attempted until we were seen to have fallen upon the calamities of civil war. Great Britain might ask herself whether, if a similar opportunity for such hostilities should offer, she would consent to bear like assaults upon her commerce and her sovereignty. I know no one point of political calculation more certain than this, that just what the people of Great Britain would do, under defined circumstances, in self-defence, that is what, under the same circumstances, the people in whose name I am writing must and will do in their own defence.

I would, if properly I could, shut out from consideration another element which enters into the case. Great Britain has at no time intimated that, even with the co-operation of France, she would adopt or sanction a war or a hostile policy against the United States. Her government has on apt occasions indicated a very different and much more just disposition. We respect the government and the people of Great Britain for her persistence in these indications. Nevertheless we have the personal authority of the Emperor of the French for the fact that he has announced to Great Britain that he is willing to follow, if Great Britain will decide to lead the way, in recognizing the insurgents. To give such a recognition, under the circumstances, would be to them a demonstration more potential than a fleet or an army, while it would authoritatively sanction the piratical enterprises of British subjects, which, even when disavowed by Great Britain, are proving intolerable to the United States. At the same time it is to be observed that Great Britain as well as France has been explicitly informed by the United States that a recognition of the insurgents would necessarily be deemed by them an unfriendly proceeding. Virtually, therefore, France invites Great Britain to an alliance offensive and injurious to the United States. Judging with the light which falls upon our position, such an alliance

would be morally wrong; for of what crime against both or either of these two nations, or against any nation, are the United States accused? What unatoned wrong have they done which France and Great Britain are entitled by the law of nations to redress? The United States have fallen, not without forty years of protracted resistance, into a state of civil war which is an inconvenience to other maritime and commercial powers. Has either Great Britain, or France, or any other nation, sinned less against the peace of the world than the United States? If ever a nation could plead successfully the irrepressibility of the elements of a civil strife, it is the United States on this occasion. World-planted and cherished African slavery here has audaciously risen up to overthrow a government, the most equal and just that has ever been established among men, and to erect a new one exclusively upon the basis of human bondage. The United States refuse to be destroyed or divided by such an agency for such a purpose. It is not easy, on this side of the Atlantic, to conceive how such a civil war can be looked upon with favor, or even with indifference, in Europe. We have, nevertheless, accepted the fact that Great Britain and France do regard this insurrection with favor on the demand of the statesmen and the presses which seem most to engage the confidence of the people in those countries. France now requires us to go one step further and to accept the fact that Great Britain and herself ought to vote for the admission of the insurgents into the family of nations. The ground upon which the Emperor favors that extraordinary proceeding is, that it is expected that it would tend to bring our unhappy civil war to a close. His Imperial Majesty seems, to me, to have widely misconstrued the character of the American people. They are a brave and a jealous people; they have made it their chief duty, throughout a whole century, to achieve a national independence, and acquire a continental influence, just like that which France and Great Britain have respectively won through the conflicts of eight centuries. The people of the United States undoubtedly desire peace, but they would neither accept a peace that the proposed combination would offer them, nor acquiesce in it if it were possible to force it upon them. European powers can dictate peace, even to Asiatic communities, only by subjugating them, and yet they have been undergoing the process of moral decline since the era of Alexander. American society, on the contrary, is in the full vigor of youth; it is too enlightened not to resist extirpation or aggression by foreign powers. I forbear from pressing the consideration that such a proceeding to enforce peace, in the United States, would be immoral, or the consideration that acceptance of a peace thus compelled would be suicidal. Those who should be prepared for an attempt either to subjugate the United States by force or to divide and separate them by foreign influence, could not be expected to apprehend the sensibilities and the sentiments which prevail among the people whom it is proposed in that extraordinary way to pacify.

Certainly, however, it behooves all the parties concerned to consider what probably will be the consequences to themselves if the intemperate action of British subjects and the inducements of French alliance shall bring on a war between Great Britain and France and the United States. Suppose it to result in the success of the allies. I have already said that no peace accepted at their hands could endure. Are the allies strong enough to garrison the American continent? Will they ever be prepared to guarantee the new slave State, and to hold its ambition for territory and its cupidity for slaves within bounds? And what are the bounds to be prescribed? Shall that new slave State be allowed to extend slavery and dominion only throughout the present territory of the United States, or are the anomalous and hateful institutions to be restored in Mexico and throughout Spanish America, including the West India islands? It has required a term of fifty years and the co-operating power of the United States to arrest the African slave trade. How do the supposed allies now expect to prevent its renewal when the United States shall have relapsed into accom-

pliceship with that dreadful traffic? Or is the arrested work of Christianizing Africa, through the missionary enginery of the Middle Passage, to be renewed and carried on to its consummation under the auspices of the supposed allies?

Prudent states, even though strong in mutual alliance, must, nevertheless, always take into consideration all the chances of success and failure. Let us suppose, then, that the allies shall not succeed in their enterprise, and that the United States shall come unharmed out of the contest. Would there be nothing to apprehend from the temper of a people who had been, as it would then seem, wantonly brought into national conflict on no other pretext than their unwillingness to surrender up their sovereignty and independence? Is there any possession or any interest of France or of Great Britain, domestic or colonial, that would be the better assured to its lawful sovereign after such a war, than it has been heretofore assured, through the justice and forbearance of the United States, so long as they had constituted a nation?

There is, moreover, a moral opinion that pervades the world, and when it is excited it works marvellous things in the policy of peoples and states. The universal revolution towards popular forms of government received, from the war in which that system was inaugurated here, an impulse which long continued to force it forward, through unheard of convulsions in Europe, and which impelled it into triumphant success throughout this continent. Those who contemplate an alliance by European monarchicál states against the United States may be reasonably expected to consider how long and how far the aggressive governments are likely to be willingly supplied with men and the materials for a war that will be deemed to be waged for the suppression of popular institutions.

Alliances may, indeed, be made by monarchs and statesmen; but, after all, they must depend for support and continuance upon the allied peoples and nations themselves. France and Great Britain are now equals. Alliance between a weak state and a strong one has sometimes been preserved through several generations when the states were separate and remote; but I think there has been no case in which a voluntary alliance has permanently held two equal independent states through a long war without producing in one or in both of them changes that, had they been foreseen, would have been sufficient, by way of warning, to prevent the formation of the alliance. The statesmen of France and of Great Britain, if the project of an alliance were indeed seriously entertained, could not, I think, begin too soon to study how the expenses and the losses, and the profits and benefits, which must attend or follow it, shall be equitably allotted between the two countries.

I have thus surveyed not only our domestic situation, but also the entire position of our relations with the chief maritime powers, not because it is seriously apprehended here that either alone or in alliance with France, Great Britain is now about to adopt the injurious and unfriendly measure which the Emperor of France has indicated, but because the survey furnishes a basis for the renewal, under the President's instructions, of a suggestion which has for some time been held in abeyance—namely, that all the misunderstandings which have arisen between the United States and Great Britain, including those which now seem to be causing the two countries to be drifting towards a conflict which must be calamitous, are due to the premature recognition of the insurgents as a belligerent power, and that two years of experience have confirmed the wisdom and the justice of the protest that this government made against that extraordinary proceeding. The insurrection, notwithstanding the incalculable benefits it has received from that most unfortunate measure, has, nevertheless, languished from the very beginning, and has now descended so low that manifestly it would perish at once, if it were left like the late insurrection in India, like the insurrection which a few years ago occurred in Canada, like the chronic insurrections in Spanish America, or even like the insurrection now raging in Poland, to stand

by means of its own strength, not as a recognized belligerent, but as a domestic party, aiming to revolutionize the government that it refuses to obey. I know how difficult it would be for the government of Great Britain all at once to reverse the policy of which we have never ceased to complain, even though it might be conceded that that policy had been unnecessarily adopted. But every new demand that is made upon that government for toleration of designs hostile to the United States relates back to the premature recognition of the insurgents as a belligerent, and strains to convert it into not merely a recognition of their sovereignty, but into actual war against the United States. Recurring to the sentiments which the President expressed in the beginning of these unhappy troubles, I am authorized to tender to Great Britain assurances of the desire of the United States for the removal of every cause of alienation, and for the re-establishment of the relations between them on the foundations of common interests and of affections and sympathies which, if left unopposed, would hold them together in the bonds of enduring friendship. We invite her to weigh these advantages against the promised benefits of any hostile alliance that she can form against us. We are yet friends, though that friendship has been severely tried. If we must become enemies, the responsibility of that unhappy and fearful event will rest on her Majesty's government and the people of Great Britain.

It is not intended that you shall formally communicate the contents of this paper to Earl Russell, but that you will use its suggestions and arguments in your own discretion if circumstances shall seem to you to require or to favor the introduction of the serious topics which I have thus discussed.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 461.]

LEGATION OF THE UNITED STATES,

London, July 30, 1863.

SIR: No despatches have been received at this legation since the date of my last. I have a letter from Mr. Irving, despatch agent at New York, dated the 15th instant, communicating to me the contents of a telegram received from you, announcing the fall of Port Hudson and other military successes. The effect of this intelligence has been very great here. On Monday the London Times was compelled to admit the surrender of Vicksburg. A panic has since happened among the holders of the rebel loan. The feeling of regret at the course of events is very general. At the same time, there is mixed with it a little of self-gratulation at the escape from committal on Mr. Roebuck's motion.

Parliament was prorogued on the 28th instant by a commission. I have the honor to transmit a copy of the Queen's speech. The language is as guarded as usual.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

The speech of the Lords Commissioners to both houses of Parliament, on Tuesday, July 28, 1863.

[Extract.]

MY LORDS AND GENTLEMEN: * * * The distress which the civil war in North America has inflicted upon a portion of her Majesty's subjects in the manufacturing districts, and towards the relief of which such generous and munificent contributions have been made, has in some degree diminished, and her Majesty has given her cordial assent to measures calculated to have a beneficial influence upon that unfortunate state of things.

* * * * *

Mr. Adams to Mr. Seward.

No. 463.]

LEGATION OF THE UNITED STATES,
London, July 31, 1863.

SIR: I transmit copies of the depositions referred to in my despatches, No. 453, of the 16th, and 459, of the 24th of this month, not sent with them at the time.

I omitted, last week, to call your attention to the remarks made by Mr. Cobden and Lord Palmerston in the House of Commons, on Thursday, the 23d instant, on the subject of the iron-clad vessel fitting out at Liverpool. Inasmuch as his lordship thought fit to give importance to the pretence that the French consul was in some way interested in the matter, I seized the opportunity, furnished me by the reception of a letter from the consul at Liverpool, to apprise Lord Russell of the facts as therein related. Copies of the papers are forwarded herewith.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 8, 1863.

SIR: I have the honor to enclose you a copy of an application, by me made yesterday, to the collector of customs at Liverpool, to stop the iron-clad ram building for the insurgents in the United States by the Messrs. Laird, at Birkenhead, and launched from their yard on Saturday last; also copies of William H. Russell's, Joseph Ellis's, Clarence R. Yonge's, G. T. Chapman's, and my own affidavits, upon which the application was based. The affidavits were made before, and the originals left with the said collector.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

Hon. CHARLES FRANCIS ADAMS,
United States Minister, &c., &c.

Mr. Dudley to Mr. Edwards.

I, the undersigned, Thomas Haines Dudley, consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you, on behalf of the government of the United States of America, to seize and detain an iron-clad steam vessel-of-war, launched from the yard of Messrs. Laird & Co., at Birkenhead, on the 4th day of July instant, and now lying at Birkenhead aforesaid, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel, pursuant to the power given you in that behalf by the 7th section of the act of Parliament, (59 George III, c. 69,) on the ground that said vessel is being equipped, furnished, fitted out, and armed, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the government and citizens of the United States of America, with which government her Majesty the Queen is not now at war.

Dated July 7, 1863.

T. H. DUDLEY.

SAMUEL PRICE EDWARDS,
Collector of Customs, Liverpool.

Depositions of Russell and Ellis.

We, William Hayden Russell, of Brooklyn, in the State of New York, in the United States of America, master mariner, now at Liverpool, in the county of Lancaster, in England, and Joseph Ellis, of No. 161 Athol street, in Liverpool aforesaid, master shipwright, make oath and say as follows :

1. I, the said William Hayden Russell, for myself say, I have been in command of American merchant vessels for the last thirty years, and for the last eighteen years I have commanded packet ships trading between New York and Liverpool; I have frequently been on board British and American vessels-of-war of all classes, and I am well acquainted with their mode of construction.

2. I, the said Joseph Ellis, for myself say, I have been regularly brought up to the business of a shipwright, and I have assisted in the construction of iron-clad vessels-of-war.

3. And we, the said William Hayden Russel, and Joseph Ellis, for ourselves, say as follows :

On Saturday last, the fourth day of July instant, we were present in the ship-building yard of Messrs. Laird & Company, at Birkenhead, when an iron-clad steam-vessel built by them was launched.

4. The vessel in question was one of the iron-clad steam-vessels built alongside of each other, at the southern end of the yard, and which appeared to be in all material respects similar to each other.

5. Before the said vessel was launched, we carefully examined her externally. We walked along the whole length of the vessel within seven or eight yards of her, and saw the whole structure of the vessel from the keel upwards.

6. The said vessel is, to the best of my judgment, about 230 feet long, with from 38 to 40 feet beam. She is covered with iron plates from the point of a run, or piercer, projecting from her stem, to within about 20 feet from her stern. We saw an iron plate, which one of the foremen in the yard informed us was prepared for the other of the said iron-clad vessels, and similar to the plates

upon the vessel which we saw launched. The thickness of such plate was about $4\frac{1}{2}$ inches. The said vessel had a space at the stern covered over with an iron-plated house, of great strength, and there was a large space forward, apparently intended for a fore-castle, which was also covered with a similar iron house.

7. The ram or piercer which we have mentioned is a prolongation of the stem of the vessel, projecting about seven feet from a perpendicular line drawn from the upper part of the stem. It is of immense strength, and is so placed that when the vessel is in sea-going trim, with her engines and stores on board, the upper part of it would be, as far as we can judge, two or three feet below the surface of the water.

8. On the quay, near the said vessel, and also in Messrs. Laird & Company's yard, we saw two circular iron turrets in the course of construction, such as would be used for carrying turret guns on board such a vessel. The diameter of each of these turrets, as well as we could judge, was about 20 feet. The frames of these turrets were of iron, of great strength, placed about 15 inches apart from each other, and they were evidently prepared to receive planking and iron plating.

9. The said vessel was built in all respects as an iron-clad vessel-of-war, and is armed, as above mentioned, with a projecting ram or piercer for the purpose of destroying and sinking other vessels. We have no hesitation in saying that the said vessel is an iron-clad ram of the most formidable description, and cannot be intended for any purpose but that of war.

W. H. RUSSELL.
JOSEPH ELLIS.

The said William Hayden Russell, and Joseph Ellis, were severly sworn at Liverpool, in the county of Lancaster, the 7th day of July, 1863, before me.

S. PRICE EDWARDS,
Collector, Liverpool.

Deposition of Clarence R. Yonge.

Clarence Randolph Yonge, of the State of Georgia, in the United States of America, late paymaster on board the steamer Alabama, formerly called the 290, built by William and John Laird & Co., at Birkenhead, makes oath and says:

I know Captain James D. Bullock, of the State of Georgia, in the United States, now residing at Waterloo, near Liverpool, England. He is a commander in the navy of the so-called Confederate States of America; his business in England is superintending the building of iron-clads and other war vessels for the Confederate States. In the autumn of 1861 Captain Bullock came from England to Savannah, Georgia, in the English steamer Fingal. At that time I was in the naval paymaster's office in Savannah, Georgia, under the confederate government. Previous to Captain Bullock leaving England, as I afterwards learned, he had contracted for two steamers for the confederate government—one called the Oreto, now called the Florida, built by William C. Miller & Sons, of Liverpool; the other the 290, afterwards called the Eureka, and now called the Alabama, built by the Messrs. Laird, at Birkenhead. Captain Bullock was about to return to England to look after the completion of these steamers and to assume command of the Alabama, and wanted some one to accompany him. I was recommended by the paymaster at Savannah to Captain Bullock. I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of S. R. Mallory,

the secretary of the navy of the Confederate States, a paymaster in the confederate navy, and assigned to the steamer Alabama. We sailed for England in the steamer Annie Childs, commanded by Captain William Hammer, from Wilmington, North Carolina, about the 5th day of February, 1862. Captain James D. Bullock, Lieutenant John Low, Midshipmen Eugene Maffitt and E. M. Anderson, and myself, came over in the Childs. Low, Maffitt, and Anderson are now on the Alabama. We arrived at Liverpool about the 11th of March, 1862. I continued as paymaster in the confederate navy from the time of my appointment in Savannah, Georgia, up to the time of my leaving the steamer Alabama, at Port Royal, in January, 1863. I went out in the Alabama when she sailed from England, on the 29th of July, as paymaster, and acted as such, on said vessel, up to the time of my leaving her as aforesaid. Previous to our leaving Wilmington, in February, I acted as a clerk to Captain Bullock, and attended to his correspondence with the confederate government and others, and from this correspondence, and other circumstances, I know that he is a commander in the confederate navy; that he had contracted for building the two vessels now called the Florida and Alabama for the confederate government aforesaid, and was and is their acknowledged agent for building and fitting out naval or war vessels for the so-called confederate government, to cruise against and to make war upon the government and people of the United States. I wrote letters for Captain Bullock (which he signed) to Mr. Mallory, the secretary of the confederate navy, and saw letters from the secretary to Captain Bullock. There was much correspondence about building the two above named and other war vessels in England for the confederate government, and about the money to pay for the same, and those thereafter to be built in England. From this correspondence, and my transactions afterwards with the firm of Fraser, Trenholm & Co., of Liverpool, I learned that Lieutenant James H. North had been sent over to England, by the confederate government, to make contracts in England for building and fitting out iron-clad vessels for said confederate government, for the purpose of committing acts of hostility against and making war upon the government and people of the United States.

Captain Bullock was directed by Mr. Mallory, the secretary of the confederate navy, in the correspondence to which I have referred, to aid Lieutenant North, and assist him in getting up and making contracts for building and fitting out these iron-clad vessels in England.

When we came over to England, it was understood by myself, and the other officers who accompanied us, that Captain Bullock was to have the command of the Alabama, which was then building by the Lairds at Birkenhead, and I was to go in her as paymaster. I came over for this express purpose. From the time of my coming to England, in March, 1862, until I sailed in the Alabama, on the 29th of July, 1862, my principal business was to pay the officers of the confederate navy who were over here in England, and attached to the Alabama, sent here to join and sail in her when finished. I used to pay them monthly, about the first of the month, at the office of Fraser, Trenholm & Co., in Liverpool. I drew the money for that purpose from this firm. Captain Bullock kept all his papers at Fraser, Trenholm & Co.'s, and transacted his business in one of the private offices of this firm. I was in the habit, during my stay in Liverpool, of visiting this office very frequently, almost every day, and saw, heard, and knew what was being done and going on. I also made visits to Laird's yard, in Birkenhead, where the Alabama was building. I saw Captain Bullock there at times in the yard with the Lairds. I also saw the Lairds at Fraser, Trenholm & Co.'s office with Captain Bullock. On one of the occasions of my visit to Captain Bullock, at Fraser, Trenholm & Co.'s office, in Liverpool, I made for him a copy of the original contract between himself and the firm of William and John Laird & Co., at Birkenhead, for building the Alabama. This copy I had with me while I was serving as paymaster on that

ship, and it was left on that vessel by me. I also frequently made copies of other papers, letters, &c., for Captain Bullock. Before we sailed in the Alabama I saw the plans, drawings, and specifications, made and furnished by the firm of William and John Laird & Co., for building the iron-clad rams for the so-called confederate government; I think it was in the month of June, 1862; it was in the office of Fraser, Trenholm & Co., in Liverpool. Captain Bullock had them. Mr. Freeman, the chief engineer of the Alabama, and several other officers, were there with myself and Captain Bullock examining them. A set of plans and specifications for building these iron-clad rams had been previously sent over to Richmond for the approval of the confederate government. The Messrs. Laird had some doubts whether the British government would permit them to build and fit out the vessels with towers or turrets on them, and were going to ascertain, through the Mr. Laird who was a member of parliament, whether they would be permitted to do so.

After we left Liverpool Mr. Lowe told me the keel of one of these iron-clad rams had been laid by the Lairds at their yard before we sailed, which was afterwards corroborated by Mr. Freeman, the chief engineer of the Alabama, who stated to me that he had been over to the yard and seen it.

Capt. Bullock had made himself so useful and efficient in building war vessels in England, that the confederate government was not willing for him to take command of the Alabama, but required him to remain and superintend the building and fitting out of the iron-clads to be built by the Lairds and others in England. I learned this from himself. He told me that he had been ordered by the navy department to remain to look after and superintend the building of these, very iron-clads. He is very anxious to have command of a vessel, and expected in the first place to have the Oreto, then to have the Alabama. He told me just before I left, he would not let all of the iron-clads slip through his hands, as the Oreto and Alabama had.

On the 5th of April, 1863, I went to the shipyard of Wm. & John Laird & Co., at Birkenhead. In the southerly part of their yard, under the sheds, side by side, saw two iron-clad ram steamers which they are building there. I believe them to be the same that I saw on the plans and drawings made by the Messrs. Laird and in possession of Capt. Bullock at the office of Fraser, Trenholm & Co., hereinbefore mentioned. I have not the least doubt about the matter.

CLARENCE R. YONGE.

Sworn before me at the custom-house in Liverpool, this 6th day of April, 1863.

S. PRICE EDWARDS.

Deposition of George T. Chapman.

I, George Temple Chapman, of New York, in the United States of America, but now at Liverpool, in the county of Lancaster, gentleman, make oath and say as follows:

1. In the early part of the month of April last I had an occasion to call at Messrs. Fraser, Trenholm & Co.'s office, in Liverpool, to see Capt. Bullock, whom I had known formerly in the United States. Capt. Bullock was not in when I first called at the office, but I saw Mr. Pridleau, one of the partners in the firm of Fraser, Trenholm & Co., and had some conversation with him. In the course of such conversation Mr. Pridleau told me that his firm were the financial agents for the Confederate States of America, and that I might speak with him in perfect safety on anything connected with the south, as the whole of his establishment were in the confederate interest. I noticed that there was a confederate flag displayed in the office. On this occasion I handed to Mr. Pridleau some letters which had been given to me by the wife of Clarence

Randolph Yonge, who, Mr. Pridleau told me, had been Capt. Bullock's secretary, and afterwards purser of the Alabama.

2. On the day following, on which I had the conversation above mentioned with Mr. Pridleau, I called again at Messrs. Fraser, Trenholm & Co.'s office, and saw there Capt. Bullock, who told me that he had seen the letters which I had left with Mr. Pridleau, but that they were of no importance, and that he never trusted Yonge with anything important. Capt. Bullock told me that he came to Liverpool to build and procure ships and vessels-of-war for the confederate service. He referred to the Alabama, and the Oreto or Florida, as two of the ships he had fitted out, and said that he was fitting out more, but that he managed so that he could defy any one to prove that he was fitting them out for the use of the confederate government.

3. Whilst I was with Capt. Bullock, Lieut. John Randolph Hamilton, son of Gov. Hamilton, of South Carolina, (formerly a lieutenant in the United States navy,) came in, and I recognized him. I first knew him at the Naval Academy at Annapolis, in the United States, where we were midshipmen together. I knew him afterwards as lieutenant in the United States service. He told me he had become a lieutenant in the confederate service, and that he came over to Liverpool, by direction of the Confederate States government, to assist Capt. Bullock in the fitting out of vessels, and to advise Messrs. Fraser, Trenholm & Co., and to give his advice generally, in the interests of the confederate government. The said John Randolph Hamilton told me that he and Bullock had a private office in Fraser, Trenholm & Co.'s house of business, and that the Alabama was built according to a model prepared by Capt. Bullock, and that Lairds were not entitled to any credit for that ship. He spoke without hesitation about the Oreto, which they had sent out, and both he and Capt. Bullock spoke of themselves as the employés of the confederate government, and that they were paid as such.

4. In the early part of the month of April last a Capt. Morton, who is the overlooker of Messrs. Boulton, English & Brandon, of Liverpool, merchants, took me with him to Messrs. Laird & Co.'s ship-building yard, at Birkenhead, in order that I might see two iron rams or vessels-of-war, which he said were, without doubt, for the southerners. I saw the two vessels in question, which were being built alongside each other at the south end of the yard. The hulls were complete, and the sides were covered with slabs of teakwood about 12 inches thick. In the early part of this present month one of the vessels, the more northwardly of the two, had a great number of her iron armor plates fixed. The armor plates appeared to me to be about four inches thick. Each vessel was about 250 feet long, as well as I could judge, and the deck of each vessel was prepared to receive two turrets. I saw the turrets being built in the yard near the rams above mentioned. Each ram had a stem made of wrought iron, about eight inches thick, projecting about five feet under the water-line, and obviously intended for the purpose of penetrating and destroying other vessels. The rams, in question were of immense strength, and could by no possibility be intended for anything but vessels-of-war. The only other vessels building in the yard at that time were an iron-plated vessel-of-war for the British government, to be called the "Agincourt," and two merchant vessels, one a steamer and the other a sailing ship.

5. I saw the above mentioned John Randolph Hamilton some days after I had seen the rams above mentioned; I met him, at his request, at the Angel hotel in Liverpool. On that occasion, the said John Randolph Hamilton told me that the rams which were being built by Laird & Company were for the confederates.

GEORGE TEMPLE CHAPMAN.

Sworn before me at the custom-house, Liverpool, this 29th day of June, 1863.
G. ST. GEORGE, *pro Collector.*

I, Thomas Haines Dudley, esq., of No 3 Wellesley Terrace, Prince's park, Liverpool, in the county of Lancaster, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare as follows:

1. I am the consul of the United States of America for the port of Liverpool and its dependencies.

2. I say there is now, and for some time past has been, a war carried on between the government and people of the United States of America and certain persons who have rebelled against such government, and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States.

3. I further say that, to the best of my knowledge, information, and belief, no leave or license has been had or obtained from or of her Majesty the Queen, under her sign manual, or any order in council, or any proclamation of her said Majesty, or otherwise, or at all authorizing any person within any part of the United Kingdom, to equip, furnish, fit out, or arm ships or vessels, with intent or in order that such ship or vessel shall be employed in the service of the so-called Confederate States to cruise or commit hostilities against the government and people of the said United States of America, and that her Majesty is not now at war with the said United States.

4. I say there have been built in this port for the government of the so-called Confederate States two vessels-of-war. One of them named the *Oreto*, now called the *Florida*, was built by Messrs. W. C. Miller & Sons, of Liverpool, and another, the *Alabama*, by Messrs. Laird & Co.; and they have been employed by the said so-called Confederate States against the government and people of the United States of America in the war that is now going on; and armaments and war crews for both the said vessels went out in them, or were sent out from England to meet the ships abroad, and were then placed on board of them. On the 4th of the present month of July another vessel built by the said Messrs. Laird & Co., and intended for an iron-clad steam ram, and, as this deponent verily believes, built and intended for a vessel-of-war, was launched by them from their ship-building yard at Birkenhead, and such vessel is now at Birkenhead, in the United Kingdom of Great Britain and Ireland.

5. I say that I have read the affidavits of George Temple Chapman, sworn on the 29th day of June last, of Clarence Randolph Yonge, sworn on the 6th day of April last, and of William Hayden Russell and Joseph Ellis, sworn the 7th day of July instant, and I say that from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessel above mentioned is being equipped, armed, and fitted out with intent and in order that the said vessel shall be employed in the service of the said persons setting up to exercise the power of government, and called the Confederate States of America, and with intent to cruise and commit hostilities against the government and citizens of the United States of America.

THOMAS H. DUDLEY.

Affirmed before me, at the custom-house, Liverpool, in the county of Lancaster, the 7th day of July, 1863.

S. PRICE EDWARDS,
Collector.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, July 25, 1863.

MY LORD: Having received information of the existence of a report that the iron-clad vessel at Liverpool had been claimed by the French consul at that port, and having since perceived that some credit has been given to the story by the first minister of the crown, immediate measures were taken to ascertain whether there was any foundation for it in fact.

I now have the honor to transmit a copy of a letter received from Mr. Dudley, the consul of the United States at Liverpool, which appears to show clearly the precise nature of the pretence.

I pray your lordship, &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL.

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,

Liverpool, July 24, 1863.

SIR: On reading in the Times of this morning the statement reported to have been made by Lord Palmerston in reply to Mr. Cobden last night—that he was informed as regards one of the iron-clads referred to, that the French consul claimed it for the Emperor of the French—I addressed a note to the French consul, asking him whether the information referred to was true. In reply he sent his vice-consul to assure me that there is no truth whatever in the information; that he does not know of any iron-clads being built here for the Emperor of the French.

I addressed the inquiry to my colleague, not supposing there was any truth whatever in the information, but that I might have his authority for saying there was none.

The vice-consul, while with me, stated that about the 3d or morning of the 4th of July, the consul received an invitation from a Mr. Bravay (a Frenchman, but unknown to him) to a luncheon at Messrs. Laird's yard, on the 4th, on the occasion of the launch of an iron-clad vessel. The invitation came so late that the consul said he could not go. The vice-consul was then asked to go; and Mr. Bravay, introduced by one of the Messrs. Laird, waited upon him, and pressed him to go.

He, Mr. Bravay, then, in the presence of Mr. Laird, said he wished to get French papers for the iron-clad, and asked what formalities were necessary. He was instructed on the point, and then said the matter would be attended to by his brother, who had more to do with it than he had, and that he himself had to be in Madrid on the 9th. The vice-consul referred to a French Paris directory, and asked Mr. Bravay if he was one of the firm of Bravay & Co. therein described as merchants, and he said he was.

The consul or vice-consul has neither of them seen Mr. Bravay or Mr. Laird since, and did not go to the luncheon.

This indicates the source of Lord Palmerston's information; and also that some such trick as getting foreign papers for the ram, under cover of which she would sail out, has been and perhaps is intended.

Very respectfully, I am, sir, your obedient servant,

HY. WILDING,

Vice-Consul.

His Excellency CHARLES FRANCIS ADAMS, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 672.]

DEPARTMENT OF STATE,
Washington, August 7, 1863.

SIR: I enclose a copy of a despatch, of the 25th ultimo, from W. C. J. Hyland, esquire, the United States vice-consul at Bermuda. Inasmuch as the captured silver referred to therein has not, so far as this government is informed, been adjudicated upon in any court of competent jurisdiction, the expediency of an effort to recover it, or to obtain it for the benefit of the American citizens who were its legal owners, or for the benefit of the insurers, is suggested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Hyland to Mr. Seward.

No. 80.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Bermuda, July 25, 1863.

SIR: I have the honor to inform you that the British brig Eagle, Captain Norfolk, sailed from this port on the 22d instant for Liverpool, Great Britain, with a cargo of cotton, taken from warehouse here, and a large portion of bar silver from the rebel steamship Florida, the whole valued at £50,000. The silver has been transferred by bill of sale to John J. Bourne, the agent of the rebel States.

* * * * *

I am, sir, with much respect, your most obedient servant,

W. C. J. HYLAND,

Vice-Consul.

The SECRETARY OF STATE,
Washington, D. C.

Mr. Seward to Mr. Adams.

No. 673.]

DEPARTMENT OF STATE,
Washington, August 7, 1863.

SIR: Accompanying this instruction is a copy of a communication of the 14th ultimo, addressed to me by Messrs. George B. Upton and George B. Upton, jr., sole owners of the American ship Nora. It is represented in their memorial that the Nora was burned by the piratical vessel known as the Alabama, while on a voyage from Liverpool to Calcutta, with a cargo which it was represented to them belonged to British subjects.

Referring to previous instructions in regard to depredations of the same class, I have now to add this to the number, and, so far as the rights and interests of American citizens are involved in it, to bespeak your good offices in bringing it before her Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 466.]

LEGATION OF THE UNITED STATES,
London, August 7, 1863.

SIR: I have to acknowledge the reception on Saturday last, the 1st instant, by the hands of Mr. T. C. Cox, of the confidential despatch from the department, numbered 649. Since then the steamer Asia brought despatches numbered 656 and 657, of the 18th and 20th ultimo, respectively.

The change in the character of the military news from America has so completely put a stop, for the moment, to the agitation of the questions which form the text of these despatches, that I scarcely know how to notice them. From the height of extreme confidence in the speedy establishment of the rebel government, with the consent of the loyal authorities, the alternation has been to despair, almost as complete, of any recovery from its present abasement. The most significant external indication of this is found in the state of the loan, which has dropped more than 20 per cent. in the interval. So long as this state of feeling shall remain, there is no probability of a renewal of any movements of a troublesome nature.

* * * * *

I fervently pray that the course of events may lead more and more to a settlement of our difficulties, and to a reunion of the loyal sentiment of the country on some permanent basis for the future. It is impossible to resist the conviction that the question of emancipation is becoming every day, with the progress of our arms, a stronger and more necessary element in any possible re-establishment of the Union. In the eyes of Europe this is the vital point in the whole conflict. It constitutes the great problem of which the statesmen of Great Britain await the solution with divided hopes and fears. Upon the event will depend the ultimate condemnation or the justification of their narrow and ungenerous policy.

I take advantage of the period of auspicious news from home, and of general relaxation here, to make an excursion of a few weeks to visit Scotland. Should any occasion require my presence I am always within easy reach, with the aid of railway and telegraph.

I have the honor to be, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

No. 674.]

DEPARTMENT OF STATE,
Washington, August 8, 1863.

SIR: Your despatch of the 24th ultimo, (No. 459,) with accompaniments, has been received. Your proceedings in regard to the steam-rams are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

CIRCULAR No. 39.

DEPARTMENT OF STATE,
Washington, August 12, 1863.

SIR: Whenever the United States have complained of the premature decrees of Great Britain and France, which accorded the character of a belligerent to the insurgents, the statesmen of those countries have answered, that from the first they

agreed in opinion that the efforts of the government to maintain the Union, and preserve the integrity of the republic, could not be successful. With a view to correct this prejudgment of so vital a question, I addressed a circular letter to the representatives of the United States in foreign countries on the 14th day of April, 1862, in which I reviewed the operations of the war on sea and land, and presented the results which had attended it down to that period. The prejudice which I then attempted to remove still remains, and it constitutes the basis of all that is designedly or undesignedly injurious to this country in the policy of foreign nations. The insurgents have been enabled to protract their resistance by means of sympathy and aid they have received from abroad, and the expectation of further and more effective foreign assistance is now their chief resource. A new effort, therefore, to correct that prejudice is demanded equally by a prudent concern for our foreign relations, and by the paramount interests of peace and humanity at home.

In the battles of August, 1862, the Union forces suffered some severe and appalling reverses. But they resulted in the reunion of the army which had been called in from the Peninsula, below Richmond, with the army which had its position between that strongly fortified seat of the insurrection and this capital. The wisdom of this reunion was soon to be vindicated. The insurgent army, flushed with its recent successes, and expecting that a sympathetic interest of slavery would produce an uprising of the people of Maryland in its favor, for the first time crossed the Potomac river. Harper's Ferry, with many prisoners, fell into its hands, rather through accidents in preparing for its defence than because it was indefensible. Nevertheless, the expectation of recruits signally failed. General McClellan, commanding the now consolidated forces of the army of the Potomac, was re-enforced by fresh levies from Pennsylvania, and by detachments called in from neighboring forts. He drove the insurgents from their positions at South Mountain and Crampton's Gap. About the middle of September the two opposing armies confronted each other at Sharpsburg, and a pitched battle was fought on the banks of the Antietam and Potomac. It was well sustained on both sides. Men of one race and training directed the armies whose rank and file were substantially of one blood, and even nearly equal in numbers. The arrogant assumption of superior valor and heroism which the insurgents had brought into the contest, and had cherished throughout its early stages, perished on that sanguinary field. The insurgent army, shattered in the conflict, abandoned the invasion of Maryland and sought refuge and opportunity to recover its wasted strength in Virginia, behind its accustomed barrier, the Potomac.

While Lee was thus attempting Maryland, the equally bold and alarming enterprise of carrying the war through Kentucky into Ohio was assigned to Bragg, who was in command of the insurgent army on the southern border of Tennessee. He, with great rapidity, moved from Chattanooga, turning the left flank of General Buell, and, appealing for re-enforcements to the slavery-inspired sentiments which existed in Kentucky and Tennessee, directed his forces against Louisville and Cincinnati. An uprising of the farmers of Ohio confronted and turned away the devastation from the latter city. General Buell followed the main column of invasion, outmarched it on the way to Louisville, and obliged it to take a direction eastward. The two insurgent columns being united at Perryville, were attacked by General Buell. The battle, like all of our contests, was obstinate and bloody. Bragg, after severe losses, retreated through a comparatively barren region, and Buell was obliged to abandon the pursuit by the complete exhaustion of all the sources of supply. The insurgent commander crossed the Cumberland mountains, and then, marching westward, took up a position at Murfreesboro', fortified there, and proceeded to recruit his wasted forces.

Van Dorn and Price were at the same period in command of very consider-

able forces in Mississippi and Alabama, and to them was assigned the third part in the grand invasion of the loyal States which the cabal at Richmond had decreed. This was an attempt, as they called it, to deliver, but in fact to subjugate, western Tennessee and Kentucky. General Rosecrans received the assault of those portions of the insurgent forces at Corinth, defeated them with great slaughter, and drove them backward, so that they neither reached nor approached the region which they were appointed to invade. General Rosecrans, called to succeed General Buell in command of the army of the Cumberland, then entered Nashville, which the insurgents had before invested in carrying out their general scheme of invasion. He raised the siege, and prepared for offensive action. In the last days of the year he issued from Nashville, and delivered a sanguinary battle at Stone river, which gave him possession of Murfreesboro'. Bragg retreated to Shelbyville and Tullahoma, and there again rested and entrenched. A long period of needed rest was now employed by the respective parties in increasing the strength and efficiency of their armies; but this repose was broken by frequent skirmishes, and by cavalry expeditions, which penetrated hostile regions, sometimes hundreds of miles, and effected breaches of military connexions and a destruction of military stores upon an extensive scale, while they kept up the spirit of the troops, and hardened them for more general and severe conflicts.

Vicksburg then remained in the hands of the insurgents, the principal key to the navigation of the Mississippi river—a navigation which was confessed on all sides to be absolutely essential to the United States, and, when reopened by them, fatal to the insurrection. The duty of wresting that key from the insurgents had been devolved on the navy, with the aid of a considerable land force then encamped on the west bank of the Mississippi river. But new and unforeseen difficulties continually baffled the enterprise, and seemed to render it impossible. General Grant, who was at the head of the department and of the army of the Tennessee, at length assumed the active command of the troops investing the stronghold, and these were adequately re-enforced. The naval squadron on the Mississippi, under command of Rear-Admiral Porter, was also steadily increased until more than one hundred armed vessels were employed upon the river, including many iron-clad gunboats of great power. Part of the Gulf squadron, under Admiral Farragut, gallantly running the batteries of Port Hudson under a fierce fire, co-operated with the river fleets. Laborious and persevering attempts were made to open an artificial channel for the river opposite Vicksburg, as had been done with such signal success at Island No. 10. But the various canals projected and executed failed, and only a few small steamers of no considerable power were thus enabled to pass the city. Combined land and naval expeditions were also sent forth, which, with infinite pains and endurance, attempted to turn the enemy's works by navigating the various bayous and sluggish rivers, whose intricate network forms so singular a feature of the military topography of the banks of the Mississippi. All these attempts having failed from physical obstacles found to be insurmountable, General Grant and Admiral Porter at last put afloat armed steamers and steam-transports, which ran through the fires of the long line of shore batteries which the insurgents had erected at Vicksburg, and its chief supports, Warrenton and Grand Gulf. At the same time the land forces moved down the right bank of the river to a point below Grand Gulf, where they crossed in the steamers which had effected so dangerous a passage. The batteries of Grand Gulf for several hours resisted a bombardment by the gunboats at short range, but they fell into the hands of the Admiral as soon as General Grant's forces appeared behind them. General Grant, through a series of brilliant manœuvres, with marches interrupted by desperate battles day after day, succeeded in dividing and separating the insurgent forces. He then attacked the chief auxiliary column under Johnston and drove it out of Jackson, the capital of Mis-

Mississippi. Having destroyed the railroad bridges and military stores there, General Grant turned at once to the west. Numerous combats ensued, in all of which the loyal arms were successful. Loring, with a considerable insurgent force, was driven off towards the southeast, while Pemberton, after a loss of sixty pieces of artillery and many prisoners, regained his shelter within the fortified lines of Vicksburg, with an army now reduced to between thirty thousand and forty thousand men. During these movements the heavy batteries of the insurgents which were established near the mouth of the Yazoo river, and which constituted an important part of the defensive system of Vicksburg, were taken and razed by Rear-Admiral Porter, who thereupon sent a detachment of his fleet up that important tributary of the Mississippi, and effectually destroyed the numerous vessels and stores which were found within and upon its banks. General Grant, during these brilliant operations, had necessarily operated by a movable column. He now re-established his communications with the river fleets above as well as below Vicksburg, invested the town, and, ignorant of the numbers enclosed within its defences, attempted an assault. Though bravely and vigorously made, it was nevertheless unsuccessful. He thereupon sat down before the fortifications, to reduce them by the less bloody, but sure, methods of siege. Pemberton made a gallant defence, hoping for relief from Johnston. Strenuous efforts were made by the chiefs at Richmond to enable Johnston to render that assistance. They detached and sent to him troops from Bragg's army on the frontier of Alabama, and from Beauregard's command in South Carolina, and in doing this they endangered both of those armies. All the capable free men of Mississippi were called to the rescue of the capital of their State, and to save the stronghold of the treasonable confederacy which was besieged within their limits. Moreover, the besieged post was in the very centre of the slave population of that confederacy, and the President's proclamation of freedom would be sounded in their hearing if the stronghold should fall. But the effort required was too great for the demoralized and exhausted condition of the insurgents. Johnston did not arrive to raise the siege, nor did success attend any of the attempts from within to break the skilfully drawn lines of General Grant. On the fourth of July General Pemberton laid down his arms and surrendered the post, with thirty thousand men, two hundred pieces of artillery, seventy thousand small-arms, and ammunition sufficient for a six years' defence. This capture was as remarkable as the famous one made by Napoleon at Ulm.

On the same day an insurgent attack upon General Prentiss, at Helena, situated on the right bank of the Mississippi, in the State of Arkansas, was repulsed with the loss of many prisoners on the part of the assailants. As if the anniversary so identified with the nation's hopes was appointed to be peculiarly eventful, Lee, who had again entered Maryland, and passing through that State had approached the Susquehannah, threatening Harrisburg, Pittsburg, Philadelphia, and Baltimore, fell back, after pitched battles continued for three days at Gettysburg, and resumed his retreat, with an army even worse shattered than before, to his accustomed position on the Rappahannock.

On the eighth of July the insurgent garrison at Port Hudson, six thousand strong, after enduring a long siege with the utmost courage, surrendered unconditionally to General Banks; and thus the United States recovered from the insurgents the last of the numerous posts by which for more than two years they had effectually destroyed the navigation of the Mississippi. This great river, which in time of peace contributes relatively as much towards a supply of the increased wants of mankind as the Nile did to those wants in the time of the Roman Empire, is now again opened to the inland commerce of the country. Steamers descend the river and its tributaries from the navigable floods to the Gulf of Mexico. It is not to be doubted that the insurgent losses in these operations upon the Mississippi amount to fifty thousand men and three hun-

dred pieces of artillery, a large portion of which were of heavy calibre. Johnston's army, which, at the time of the surrender, was advancing to threaten the besiegers, at once fell back to Jackson, and it was again driven from that capital by a detachment which General Grant had committed to the command of General Sherman. In retiring, Johnston fired many buildings filled with munitions of war, and abandoned a large quantity of railroad locomotives and cars, which had been detained at that place by reason of the railroads north, south, east, and west of Jackson having been previously cut by the government forces.

General Sherman now desisted from the pursuit of Johnston and returned to Vicksburg, where a portion of the army is enjoying repose, not more necessary than well earned, while others are engaged in expelling from the vicinity of the Mississippi roving bands of the insurgents who infest its banks and fire from thence upon passing steamers. It is reported that Johnston, with the troops at his command, now said to be twenty-five thousand, has fallen back to Meridian, on the eastern border of Mississippi, a hundred and twenty miles east of Vicksburg, so that the State, whose misguided people were among the earliest and most intemperate abettors of the insurrection, is virtually abandoned by its military agents.

In Louisiana, General Banks succeeded General Butler. After spending some months in organizing the department and disciplining the new levies which constituted its force, General Banks made a rapid and successful series of marches and contests, in which he drove the insurgent troops out of the Attakapas and Teche regions, well known as the richest portions of that very productive State, captured Alexandria and Donaldsonville, the seats of its fugitive seditious executive and legislative authorities, crossed the Mississippi at Bayou Sara, and there receiving an additional column which was ascending from Baton Rouge, invested Port Hudson, which, excluding Vicksburg, was the only remaining stronghold of the insurrection on the great river.

It will be remembered that on the 22d day of September, 1862, the President issued a proclamation requiring the insurgents to lay down their arms and return to their allegiance, under the penalty that in all the districts where the insurrection should be still maintained with the support of the people, he would on the first of January then next proclaim as a military measure the freedom of the slaves. The warning was generally rejected and defied, but the proclamation which it heralded was duly issued. As the national armies advanced into the insurrectionary territories, slaves in considerable numbers accepted their freedom and came under the protection of the national flag. Amidst the great prejudice and many embarrassments which attended a measure so new and so divergent from the political habits of the country, freedmen with commendable alacrity enlisted in the federal army. There was in some quarters a painful inquiry about their moral capacity for service. That uncertainty was brought to a sudden end in the siege of Port Hudson. The newly raised negro regiments exhibited all necessary valor and devotion in the military assaults which were made, with desperate courage, and not without fearful loss, by General Banks. This protracted operation engaged nearly all of General Banks's available forces. While it was going on, insurgent troops which were called up from Texas re-occupied much of the southwestern portion of Louisiana which he had before reclaimed. The surrender of Port Hudson, however, set his army at liberty, and he has already made considerable progress in restoring the national authority thus temporarily displaced.

The complete occupation of the Mississippi by the national forces has effectually divided the insurrectionary region into two parts; and among the important features of this division, one which is of the highest practical significance is, that the field of military operations of the insurrection is chiefly on the eastern side of the river, while its supplies have been mainly drawn from the prairies of

Arkansas and Texas, which stretch away from the western shore. These prairies can no longer supply the insurgents with cattle for sustenance and use in the field, and, on the other hand, arms, ordnance, and ammunition can no longer be sent from the eastern manufactories and deposits to forces employed or in garrison in the west. The value of the acquisition of the Mississippi in this respect was illustrated only a few days since in the capture by General Grant, near Natchez, of five thousand beeves and two thousand mules which had crossed to the eastern bank, and at the same time many hundred thousands of cartridges and other stores which had just been landed at the western end of the same ferry.

A vigorous blockade has been maintained at Charleston; and although fast steamers of light draught, and painted with obscure colors, occasionally succeed in slipping through the blockading squadron in the morning and evening twilight, many are destroyed, and more are captured. An attack by the fleet made on the seventh day of April last, upon the forts and batteries which defend the harbor, failed because the rope obstructions in the channel fouled the screws of the iron-clads and compelled them to retire after passing through the fire of the batteries. Those vessels bore the fire of the forts, although some defects of construction were revealed by the injuries they received. The crews passed through an unexampled cannonade with singular impunity. Not one life was lost on board of a monitor. The defects disclosed have been remedied, and an attack is now in progress, with good prospect of ultimate success, having for its object the reduction of the forts in the harbor by combined sea and land forces. We occupy more than half of Morris's island with land forces, which, aided by batteries afloat and batteries ashore, are pushing siege works up to Fort Wagner, a strong earthwork which has been twice assaulted with great gallantry, but without success. On the 17th of June the Atlanta, which was regarded by the insurgents as their most formidable iron-clad vessel, left Savannah and came down the Wilmington river. The national iron-clads Weehawken, Captain John Rogers, and Nahant, Commander John Downes, were in readiness to meet her. At four o'clock fifty-four minutes the Atlanta fired a rifle-shot across the stern of the Weehawken, which struck near the Nahant. At 5.15 the Weehawken, at a range of three hundred yards, opened upon the Atlanta, which had then grounded. The Weehawken fired five shots, four of which took effect on the Atlanta. She surrendered at five o'clock and thirty minutes.

Our lines have not changed in North Carolina. All attempts of the insurgents to recapture the towns from which they had been expelled had been repulsed. Much damage has been inflicted upon their communications, and valuable military stores have been destroyed, by expeditions into the interior. North Carolina shows some symptoms of disaffection toward the insurgent league. Similar indications are exhibited in Mississippi, Alabama, Arkansas and Texas.

The situation on the York and James rivers has remained unchanged since the withdrawal of the army of General McClellan from the Peninsula a year ago. Attempts by the insurgents to retake Williamsburg and Suffolk have been defeated, but the garrison at the latter place has been withdrawn, for purely military reasons, to a more defensible line.

I now return to the army of the Potomac, which was left resting and refitting after putting an end to the first insurgent invasion of Maryland. General McClellan recrossed the Potomac and entered Virginia in November, and obliged the invading forces under Lee to fall backward to Gordonsville, south of the Rappahannock. When the army of the Potomac reached Warrenton it was placed under command of General Burnside. He marched to Falmouth, hoping to cross the Rappahannock at Fredericksburg, and to move at once upon Richmond. Delays, resulting from various causes, without fault of the general, permitted the insurgents to occupy the heights of Fredericksburg, and when, at length, in December, General Burnside crossed the Rappahannock, his assault

upon Lee's well fortified position failed. He skilfully recrossed the river without loss. General Hooker succeeded to the command, and it was not until the beginning of May that the condition of the river and roads permitted a renewal of offensive operations. The general crossed the Rappahannock and accepted a battle, which proved equally sanguinary to both parties, and unsuccessful to the army of the Potomac. The heights of Fredericksburg were captured by General Sedgwick's corps, but the whole army was compelled to return to the north bank of the river. After this battle, Lee, in the latter part of May and in June, withdrew his army from General Hooker's front, and ascended the south bank of the Rapidan, towards the sources of the Rappahannock, entered the Shenandoah valley, and once more tempted the fortune of war by invading the loyal States. A severe cavalry engagement at Beverly Ford unmasked this movement. The army of the Potomac broke up its camps and marched to the encounter. The militia of Maryland, Pennsylvania, and New York flew to arms, and occupied Baltimore, Harrisburg, and the line of the Susquehanna. The two armies met at Gettysburg, in Pennsylvania, and after a fierce contest of three days' duration, and terrible slaughter on both sides, the insurgents recoiled from the position held by General Meade, who had then been only four days in command of the army of the Potomac. On the 4th of July, the day of the surrender of Vicksburg, Lee retreated, passing through Chambersburg and Hagerstown to Williamsport, where the proper disposition to attack him was made by General Meade. Deceived concerning the state of the river, supposed to be unfordable, General Meade, hourly expecting re-enforcements, delayed the attack a day too long, and the insurgents, partly by fording and partly by floating bridges, succeeded in withdrawing across the river by night, with their artillery and a great part of their baggage. Much of this baggage, as well as of the plunder which Lee had collected, was destroyed by cavalry, or thrown out of the wagons to make room for the wounded whom Lee carried off from the battle-field. He had buried most of his dead of the first day's conflict at Gettysburg. The remainder, together with those who fell on the second and third days of the battle, in all forty-five hundred, were buried by the victorious army. Many thousand insurgents, wounded and captives, fell into the hands of General Meade. It is not doubted that this second unsuccessful invasion cost the insurgents forty thousand men. Our own loss was severe, for the strife was obstinate and deadly. General Meade crossed the Potomac. Lee retired again to Gordonsville, where he is now understood to be in front of our forces.

While the stirring events which have been related were occurring in the east and in the west, General Rosecrans advanced upon Bragg, who, with little fighting, hastily abandoned his fortified positions of Shelbyville and Tullahoma, in Southern Tennessee. General Rosecrans took, and yet holds them, while Bragg, with severe loss in a hurried retreat, has fallen back to Chattanooga. It is understood that his army had been already much weakened by detachments sent from it to re-enforce Johnson, with a view to a raising of the siege of Vicksburg.

I must not overlook the operations of cavalry. General Stoneman, in connexion with the movement upon Chancellorsville, made a rapid and effective passage through the insurgent country, from the Rappahannock to the York river, which will be remembered among the striking achievements of the war. While our forces were operating against Vicksburg and Port Hudson, Colonel Grierson, with a force of fifteen hundred men, left Corinth, on the northern border of the State of Mississippi, and made an expedition, in which he broke military communications, destroyed stores, and effected captures through the length and breadth of the State, and finally, without serious loss, joined the army of General Banks, then engaged in the siege of Port Hudson.

John Morgan, hitherto the most successful of the insurgent partisans, recently passed around the lines of General Burnside, and crossed the States of Tennessee

and Kentucky. Moving northward, and avoiding all large bodies of our troops, he reached the Ohio river at Brandenburg, below Louisville, and seized two steamboats with which he crossed into Indiana. Thence proceeding rapidly eastward, subsisting on the country and impressing horses as his own gave out, he traversed a portion of Indiana and nearly the whole breadth of Ohio, destroying railroad stations and bridges, and plundering the defenceless villages. The people rallied to arms under the calls of their governors. Some of them occupied the most important points, while others barricaded the roads or hung upon the rear of the intruders. Morgan found no disaffected citizens to recruit his wasted ranks, and when he reached the Ohio his force was prevented from crossing by the gunboats and driven backward with great slaughter. His force was between two thousand five hundred and four thousand horse, with several pieces of artillery. Only some three hundred succeeded in recrossing the Ohio and escaping into the wilds of Western Virginia. Many perished in battles and skirmishes, and the remainder, including Morgan himself, his principal officers, and all his artillery, were finally captured by the national forces. An attempt has just been made by the insurgents to invade eastern Kentucky, which probably was begun with a view to make a diversion in favor of Morgan's escape, but the forces, after penetrating as far as Lexington, have been routed by detachments from General Burnside's army and pursued, with the capture of many prisoners and of all their artillery.

This review of the campaign shows that no great progress has been made by our arms in the east. The opposing forces there have been too equally matched to allow great advantages to accrue to either party, while the necessity for covering the national capital in all contingencies has constantly restrained our generals and forbidden such bold and dangerous movements as usually conduct to brilliant military success. In the west, however, the results have been more gratifying. Fifty thousand square miles have been reclaimed from the possession of the insurgents. On referring to the annexed map it will be seen that since the breaking out of the insurrection the government has extended its former sway over and through a region of two hundred thousand square miles, an area as large as Austria or France, or the peninsula of Spain and Portugal. The insurgents lost in the various field and siege operations of the month of July, which I have described, one-third of their whole forces.

Jefferson Davis, the leader of the sedition, has since proclaimed a levy of all the able-bodied men within his military lines. This, if carried into effect, will exhaust the whole material of which soldiers can be made. The insurgents estimate the total number of conscripts thus to be gained at from 70,000 to 95,000. Our armies now confront the insurgents at all points with superior numbers. A draft for three hundred thousand more is in progress to replace those whose terms of service have expired, and to fill up the wasted ranks of our veteran regiments, and the people, just so fast as the evidence of the necessity for that measure is received and digested, submit with cheerfulness to the ascertained demands. Our armies everywhere are well equipped, abundantly fed, and supplied with all the means of transportation. The soldiers of two years' service bear themselves as veterans, and show greater steadiness in every conflict. The men, accustomed to the camp, and hardened by exercise and experience, make marches which would have been impossible in the beginning of the contest. The nation is becoming familiar with arms, and easily takes on the habits of war. Large voluntary enlistments continually augment our military force. All supplies are abundantly and cheaply purchased within our lines. The country shows no sign of exhaustion of money, material, or men. A requisition for 6,200 re-mount horses was filled, and the animals despatched from Washington, all in four days. Our loan is purchased at par by our own citizens, at the average rate of \$1,200,000 daily. Gold sells, in our market, at 123 to 128, while in the insurrectionary region it commands 1,200 per cent. premium.

Every insurgent port is either blockaded, besieged, or occupied, by the national forces. The field of the projected confederacy is divided by the Mississippi. All the fortifications on its banks are in our hands, and its flood is patrolled by the federal fleet.

Missouri, Kentucky, Delaware, Maryland—all slave States—support the federal government. Missouri has already in convention ordained the gradual abolition of slavery, to take effect at the expiration of seven years. Four-fifths of Tennessee, two-thirds of Virginia, the coasts and sounds of North Carolina, half of Mississippi and half of Louisiana, with all their large cities, part of Alabama and the whole sea-coast of Georgia and South Carolina, and no inconsiderable part of the coast of Florida, are held by the United States. The insurgents, with the slaves whom they yet hold in defiance of the President's proclamation, are now crowded into the central and southern portions of Virginia, North Carolina, South Carolina, Georgia, and Alabama, while the pioneer slaveholding insurgents beyond the Mississippi are cut off from the main force. On the other hand, although it is less than six months since the laws or customs of the United States would allow a man of African descent to bear arms in defence of his country, there are now in the field twenty-two thousand regularly enlisted, armed, and equipped soldiers of that class, while fifty regiments of a thousand each are in process of organization, and 62,800 persons of the same class are employed as teamsters, laborers, and camp followers. These facts show that, as the insurrection continues, the unfortunate servile population, which was at the beginning an element of its strength, is being transferred to the support of the Union.

You will use the facts presented in this paper in such a way as may be most effective to convince those who seek a renewal of commercial prosperity through the restoration of peace in America, that the quickest and shortest way to gain that desirable end is to withdraw support and favor from the insurgents, and to leave the adjustment of our domestic controversies exclusively with the people of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 677.]

DEPARTMENT OF STATE,
Washington, August 13, 1863.

SIR: Your despatch of the 31st ultimo (No. 465) has been received. With reference to instruction No. 651, of the 11th instant, upon the case of the *Alexandra*, and the question involved therein, I have to observe that you will have learned that I regard your previous communications to Earl Russell on the subject as an execution of my instruction by way of anticipation. The case is relieved also by the hopes you authorize me to indulge in regard to the holding of the vessels until the decision as to the *Alexandra*. You will exercise your discretion concerning the matter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 471.]

LEGATION OF THE UNITED STATES,
London, August 20, 1863.

SIR: In addition to the series of despatches from the department received last week at this legation, and acknowledged, in my absence in Scotland, by Mr. Wilson, the secretary, I have now to take notice of a further and most interesting series that came the present week, numbered from 667 to 671, both inclusive.

I have also received your letter of the 18th of July, introducing Mr. Whiting as the successor to the labors of Mr. Evarts. I have not yet seen that gentleman, as he called at the legation during my absence. I shall be happy to furnish him all facilities in my power. At present such is the utter stagnation in London, owing to the absence of the queen, and of every leading member of the government, and the vacation of the courts, he can have but little to occupy him.

I am happy to find in your No. 667, of the 29th of July, so flattering a confirmation of the action which I felt it necessary to take of the launching of the first iron-clad from Mr. Laird's yard, in at once presenting my note of the 11th of July to Lord Russell. Had I thought the time would have permitted, I should have awaited your especial instructions for the sake of the additional weight they impart to such a proceeding. But I was fearful that any delay might, in case of the escape of the vessel, be attributed to the lateness of my notice, much in the way so singularly attempted in the case of gunboat No. 290, and so I determined to act at once. I now infer that my judgment was correct in postponing further action under your despatch No. 651, as explained in my No. 465, of the 31st of July.

Lord Russell, like everybody else, is out of town during this season. I shall, however, prepare a note for his consideration, embodying the substance of your No. 667, and appending a copy of your No. 380, to Mr. Dayton, which came enclosed with it.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 472.]

LEGATION OF THE UNITED STATES,
London, August 20, 1863.

SIR: I have read with great attention your despatch No. 669, of the 30th of July, and shall at once adopt the broad views which it takes, as my guide in all my further relations with the government here. At present there is little possibility of doing much with them, owing to the absence of the foreign secretary and the dispersion of the cabinet. Little business can be done with the under-secretaries, that is not of a purely formal nature.

* * * * *

This last item was noticed as going to prove the absence of any intention on their part to relax their prosecution of the war. I am inclined to believe the proceeding to be stimulated with a view to keep up the hopes of the rebel sympathizers, which have been seriously dashed by the military events of July. The most decisive proof of this is to be seen in the fall of the confederate loan, which, in spite of the strongest efforts to hold it up, has gone down to thirty per

cent. discount. Whilst the popular opinion continues in this state, there is no likelihood, whatever, of any change of the ministerial policy.

* * * * *

If there be any correctness in these views, it necessarily follows that the policy of the United States should be, so far as possible, to avoid every cause of collision with this country that would be likely to counteract this natural tendency of events.

* * * * *

The only one which holds forth any appearance of promise is that of naval outfits, like these iron-clads of Mr. Laird. There can be no doubt that, in proportion as their affairs grow more desperate at home, the rebels will resort to this with increased earnestness, as a last instrument to save them. The unaccountable success which has attended these vessels buoys them up with a hope that the multiplication of these annoying agencies on the sea will ultimately impel us into some violence that may effect their object.

Under these circumstances, I cannot refrain from suggesting the expediency of increasing the force employed in putting an end to the adventures of these piratical vessels. This would be a far easier and less expensive process than that of risking a rupture with Great Britain on account of them. It is difficult to comprehend the reason why they roam all over the ocean, communicating with each other, and with vessels sent out from here to supply them, without let or hindrance from any of our numerous men-of-war. At this moment, one of these vessels, the Florida, is reported as having approached this coast for the purpose of landing three of her officers, and some captured silver. I do not know of the existence of a suitable ship of our own, to check this attempt, within a distance of a thousand miles. I am not insensible of the great difficulty in the way of intercepting single objects moving over the vast expanse of the ocean. But it does not seem to me so serious as risking a quarrel with a great naval power because we do not succeed. We have now made so much progress in the war that there is good reason to hope we may, with a little more patience, gain our object before a necessity shall exist of pressing our issues with foreign nations to any inconvenient extreme. I think this government here disposed to act, to the outside of its powers, in the way of prevention. Hence we may hope that, with the exercise of reasonable judgment, the progress of our arms at home will solve all difficulties before they attain such a height as seriously to embarrass us. The main idea would seem to be to cut off from the rebels all their remaining chances of escape.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Mr. Seward.

No. 473.]

LEGATION OF THE UNITED STATES,
London, August 21, 1863.

SIR: I know not who can have been the true writer of the intercepted letter transmitted by General Banks to you, and a copy forwarded to me with your despatch (No. 670) of the 1st instant. It is plain that he is a poor creature, writing only the exaggerated notions prevailing at the time among the people with whom he associated respecting the rebel prospects abroad, as well as at home. These impressions appear to be constantly renewed in order to keep up

the hopes of ultimate success, which are essential to secure a perseverance in their unequal struggle.

In point of fact, there is no confusion on this side of the water as to what vessels are and are not prepared for the Emperor of China. I have long been made aware of the construction of six small steamers by the commissioners authorized for the purpose. Notice of these was given to me, personally, by one of the number, as well as in writing by Lord Russell himself, and the information was transmitted to you at the time in due course. Any pretence that other ships have a similar destination deceives nobody. Thus far very few mistakes have been committed by the principal consuls who have the matter in charge in assigning the true purposes of the vessels departing from this island, and I think the Navy Department may generally depend upon their information.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Mr. Seward.

No. 477.]

LEGATION OF THE UNITED STATES,
London, August 21, 1863.

SIR: I have the honor to transmit copies of further letters and papers which have passed between myself and the foreign office relating to the iron-clad vessels fitting out at Liverpool, by Mr. Laird, for the use of the rebels.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, July 29, 1863.
2. Mr. Adams to Lord Russell, August 14, 1863.
3. Mr. Dudley to Mr. Adams, August 7, 1863.
4. Mr. Dudley to S. Price Edwards, August 11, 1863.
5. Deposition of Thomas Sweeney, August 11, 1863.
6. Mr. Layard to Mr. Adams, August 14, 1863.

No. 1.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *July 29, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, and to acquaint you that the information therein contained, relative to the iron-clad vessels in course of construction at Messrs. Lairds' yard, at Birkenhead, has been communicated to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

No. 2.

*Mr. Adams to Lord Russell.*LEGATION OF THE UNITED STATES,
London, August 14, 1863.

MY LORD: I have the honor to submit to your consideration a copy of a letter from the consul of the United States at Liverpool, containing further information respecting movements of persons believed to be agents of the insurgents at that port. I regret to perceive that the preparation of the dangerous armed vessels, of which I have had the honor heretofore to take notice, in my note to your lordship, is not intermitted. It is difficult for me to give your lordship an adequate idea of the uneasiness and anxiety created in the different ports of the United States by the idea that instruments of injury, of so formidable a character, continue to threaten their safety, as issuing from the ports of Great Britain, a country with which the people of the United States are at peace.

I pray your lordship to receive the assurances of the high consideration with which I am your obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

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[Enclosures.]

1. Mr. Dudley to Mr. Adams, Liverpool, August 7, 1863.
2. Mr. Dudley to Mr. S. Price Edwards, esq., August 11, 1863.
3. Deposition of Thomas Sweeney against Lairds' iron-clads.

No. 3.

*Mr. Dudley to Mr. Adams.*UNITED STATES CONSULATE,
Liverpool, August 7, 1863.

SIR: Colonel George H. Bier, a lieutenant in the confederate navy, with his wife, a man by name of Joseph N. Barney, and two engineers, one by name of W. H. Jackson, (the other I have not learned,) arrived here on Sunday last, in the steamer *Asia*, from Boston, *via* Halifax. Bier, Barney, Jackson, and the other engineer came from Halifax. Mrs. Bier passed through our lines at Fort Monroe, under the assumed name of Mrs. Henry. I understand, through a passenger on board of the *Asia*, that these persons came here to go out as officers in the iron-clads now building by the Messrs. Laird, at Birkenhead.

Colonel Bier stated in the steamer that he had been in the confederate army, and Jackson, the engineer, that he had been as an engineer on the steamer *Florida*. Upon examining the register of the confederate navy, I find that Bier is a lieutenant in their navy, and is mentioned as being with the army, and Jackson, as an engineer, in the steamer *Florida*, thus confirming all they told the passengers. I have no doubt about the truth of their statements, that they are here to join these iron-clads.

The one that is launched has her masts up, boilers and machinery in, and I learn to-day is shipping her turrets. She, no doubt, can be got ready for sea

in a week's time. My information about the other is that she is to be launched on the 15th instant, to-morrow week.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY.

CHARLES F. ADAMS, Esq.

United States Minister.

No. 4.

Mr. Dudley to S. Price Edwards, esq.

UNITED STATES CONSULATE,

Liverpool, August 11, 1863.

SIR: Referring to the application heretofore made by me to you, to stop the iron-clad ram now building by the Messrs. Laird, at Birkenhead, for the so-called southern confederacy, and which was launched on the 4th day of July last past, I now submit to you another affidavit, that of Thomas Sweeney, of Liverpool, which, with those heretofore submitted, I hope will induce you to take the necessary steps (if they have not already been taken) to prevent this vessel from sailing, destined, as she is, to make war upon, and commit acts of hostility against, the government of the United States.

I am, sir, very respectfully, your obedient servant,

THOMAS H. DUDLEY,

United States Consul.

S. PRICE EDWARDS, Esq.,

Collector at Liverpool.

No. 5.

Affidavit of Thomas Sweeney.

Thomas Sweeney, of No. 57 Crosby street, Liverpool, being duly sworn, doth depose and say: I am a deck planer, and am now, and have been for about ten years last past, in the employ of the Messrs. Laird, ship-builders at Birkenhead.

There are now building in their yard two iron-clad steam war vessels. They are sister ships of same size, dimensions, and construction, built, side by side, in the southern part of their yard. Each is armed on the stem with an iron piercer, or ram, for the purpose of piercing and destroying vessels. They are known and numbered in the yard as Nos. 294 and 295, respectively; they are each being built apparently for turrets.

On the 4th day of July last past No. 294 was launched, and then placed in one of the dry docks of said yard, where she is now being completed. Her boilers and machinery are in, and her three masts up; the two turrets for her guns are alongside, nearly in a complete condition, and ready to be placed on board.

I have talked with many of the men and workmen in the yard, who are now and have been, from time to time, employed and working there on their vessels, and they have told me they were for the confederates in the United States, the same parties for whom the Alabama was built. On the 29th day of July last past I had a conversation with Mr. Moore, one of the head workmen in the yard. I asked him what he thought of the Alabama. His reply was, "She was all right enough," but said, wait for the 294 and 295 (alluding to the rams

above mentioned) get out and alongside the Alabama, and then you will soon see the southern ports opened—meaning the ports in the southern confederacy now blockaded.

On the 7th of August instant I had a conversation with Captain Henderson, the head rigger in Messrs. Laird's yard. I asked him to make room and get my son and son-in-law a berth on No. 294. He said he would not advise me to let them go on this vessel, as No. 294 and No. 295 were both going out on purpose to fight against the federals, and to break up the blockade; but went on further to say: If either of them wants a berth on these vessels I shall find them one, but they will not be told where they are going to. At the time the Alabama was being built in the yard, my present son-in-law was going to ship in her, and I had a conversation with Captain Henderson about it, and he told me then, in substance, what he told me on the 7th instant, about the two rams, number 294 and 295.

THOMAS SWEENEY.

Sworn and subscribed to before me, at the customs, in Liverpool, this 11th day of August, 1863.

W. G. STEWART,
Deputy Assistant Collector.

No. 6.

Mr. Layard to Mr. Adams.

FOREIGN OFFICE,
August 14, 1863.

SIR: I have the honor, in Lord Russell's absence, to acknowledge the receipt of your letter of the 14th instant, enclosing copies of further papers relative to the iron-clads in course of construction at Messrs. Lairds' yard, at Birkenhead, and I have the honor to state to you that I have lost no time in communicating copies of these papers to the proper departments of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

A. H. LAYARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 478.]

LEGATION OF THE UNITED STATES,
London, August 21, 1863.

SIR: I have received the accompanying copy of a resolution adopted at a special meeting of the Union and Emancipation Society of Manchester on the 6th instant, with a request that I would forward it to the President. It is very natural that those persons, who have held firmly with us through the vicissitudes of the struggle, should rejoice in our success. I do not, however, perceive that their act calls for any special notice.

The same association has also adopted a resolution of sympathy with General Neal Dow, in his captivity at Richmond. Inasmuch as General Dow is

well known here as an advocate of temperance as well as of emancipation, I have been asked to say a word in aid of the desire of these persons to secure particular attention to his case at Washington. Having no doubt that the government intends to be firm in its policy of protecting all those persons who fight the battles of the Union in favor of human freedom, I should think any such interposition on my part as not only superfluous, but bordering on the offensive.

I have the honor to be, sir, your most obedient servant,

CHARLES FRANCIS ADAMS,

Hon. WM. H. SEWARD,

Secretary of State, &c.

Resolutions of the Union and Emancipation Society of Manchester.

At a special meeting of the executive of the Union and Emancipation Society, Manchester, August 6, 1863, to join their congratulations and thanksgivings with the friends of freedom in America, in view of recent victories to the federal cause, the following resolutions were unanimously adopted:

“That the executive of the Union and Emancipation Society hereby record their hearty sympathy with the loyal citizens of the American republic, and cordially congratulate them on the great success the cause of freedom and good government has achieved in the victory of Gettysburg, and the reduction of the Mississippi fortresses of Vicksburg and Port Hudson.

“That throughout the course of the great struggle which is taking place in the North American continent we have watched the progress of events with the most profound anxiety, because we have recognized that the defeat of the loyal party in the United States would, necessarily, compromise the best rights and highest interests of the human race, in the subversion of popular government, and of that personal freedom, without which popular government is a mockery.

“That whilst deeply anxious in regard to the momentous issues which are at stake, we have never ceased to hope and believe that the patriotism, perseverance, and good faith of the American people would eventually surmount the difficulties which necessarily arose when the nation was roused from the midst of its peaceful pursuits, and compelled to confront an armed rebellion cautiously planned, skilfully initiated, and abundantly supplied, by various acts of successful fraud and treachery, with means for the furtherance of its designs.

“That we devoutly trust that the success of the loyal citizens of the United States will lead to the speedy establishment of the Union on the only basis which can be permanently secure—the maintenance of the dignity of labor, by the unconditional abolition of all property in human beings; and that, judging from the history of other civil conflicts, we cannot believe that the restoration of the Union is, as has been constantly predicted, impossible, or unlikely, if public affairs continue to be administered by the federal government with energy, integrity, and wisdom.”

Moved by Mr. Thomas H. Barker; seconded by Mr. J. R. Cooper.

JOHN C. EDWARDS,

EDWARD OWEN GREENING,

Hon. Sec's.

OFFICES OF THE UNION AND EMANCIPATION SOCIETY,

51 Piccadilly, Manchester.

Mr. Adams to Mr. Seward.

No. 479.]

LEGATION OF THE UNITED STATES,
London, August 21, 1863.

SIR: I have the honor to transmit a copy of a note addressed to me by Lord Russell, dated the 17th instant, but received only yesterday. I have sent a copy of the same to Mr. Dudley.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WM. H. SEWARD,
Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE,
August 17, 1863.

SIR: My attention has been called, by a member of the firm of Messrs. Fraser, Trenholm & Co., of Liverpool, to a letter which appeared in the Daily News of the 2d of April last, purporting to be a letter addressed by Mr. Thomas H. Dudley, United States consul at Liverpool, to the collector of customs at that port.

In that letter it is stated that when the Alabama was first tried, Mr. Welsman, one of the firm of Fraser, Trenholm & Co., was present, and that he accompanied that vessel on her various trials, as he had also accompanied the Oreto on her trial trip, and on her departure.

Mr Welsman positively denies that he was present when the Alabama was first tried, or that he ever accompanied her in any way on any of her supposed trials. He further denies that he ever set foot on board the Oreto, and he has recorded these denials in an affidavit, subscribed and sworn to before the acting British consul at Charleston.

With the view of placing Mr. Welsman's statement still further upon record, and as evidence of the incorrectness of Mr. Dudley's assertion, I have the honor to communicate to you the substance of Mr. Welsman's affidavit, for the information of your government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHAS. F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 480.]

LEGATION OF THE UNITED STATES,
London, August 21, 1863.

SIR: On the reception of your No. 645, of the 7th of July, I addressed a note of thanks to Earl Russell for the regulation against repacking gunpowder at Belize, British Honduras, recently put in force there by Governor Seymour, of that colony.

I now have the honor to enclose copies of my letter, and of his lordship's reply.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Enclosures.]

1. Mr. Adams to Lord Russell, August 1, 1863.
2. Lord Russell to Mr. Adams, August 11, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, August 1, 1863.

MY LORD: From information received by the government which I have the honor to represent, the fact has come to its knowledge that his excellency Governor Seymour, of Belize, in British Honduras, has given notice to the merchants of that place of his intention to enforce the law against repacking gunpowder there, and limiting the quantity of that article which persons may keep in store. This proceeding is likely to have the effect to check a contraband trade with the insurgents in the United States, by which they have heretofore received supplies of that article, and to that extent is considered as indicative of a disposition to abstain from participation in the struggle now going on.

I am directed to make this fair and impartial conduct of his excellency the subject of special acknowledgments to her Majesty's government.

I pray your lordship's acceptance, &c.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

FOREIGN OFFICE,
August 10, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 1st instant, conveying the thanks of the United States government for certain regulations issued by Governor Seymour with regard to gunpowder at Belize.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. F. W. Seward to Mr. Adams.

No. 684.]

DEPARTMENT OF STATE,
Washington, August 22, 1863.

SIR: It devolves upon me to transmit to you a copy of a communication of the 14th, and of one of the 19th instant, from Francis Boyd, esquire, of Boston, relative to the capture and destruction of his ship *Red Gauntlet*, of that port, by the piratical vessel now commonly designated the *Florida*. It appears from depositions, appended to the letter of the 19th, that until the *Red Gauntlet* was actually seized, the British flag was flying on the *Florida*.

These papers are committed to you with a view to such disposition as shall conduce to just reparation for losses and injuries to the parties aggrieved. Ad-

ditional evidence in the case is expected, which, when received, will be communicated to you.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 687.]

DEPARTMENT OF STATE,
Washington, August 25, 1863.

SIR: It is proper that, by the steamer which takes this, you should be informed that, according to Richmond newspapers, Fort Sumter was reduced to a mass of ruins on Saturday, the 22d instant, by the combined land and naval attack of the Union forces. They also state that General Gilmore having ascertained that by means of his rifled projectiles he could easily bombard Charleston, though at a distance of nearly five miles, had given the customary notice for the withdrawal of the women and children, and it is presumed that the bombardment has taken place accordingly.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 481.]

LEGATION OF THE UNITED STATES,
London, August 27, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 672, 673, 674, 675; also a copy of the 12th volume of the Revised Statutes.

In regard to the subject of the first of these, No. 672, of the 7th instant, the consul at Queenstown reported to this legation that the Florida was off that harbor. On the 17th three persons, named S. W. Averott, F. Gamerton, and T. T. Hinton, being officers, landed, with what motive is not quite clear. Meanwhile, the steamer Eagle brought the bar-silver to Liverpool on the 20th instant.

I have had a visit from a member of the English house of F. Huth & Co. to inform me that they are the true consignees and owners of this property, which has been fully insured in London. They, in conjunction with the underwriters, had taken advice with regard to the possibility of recovering it, and the answer has been favorable, but they had been recommended to apply for my assistance and co-operation. I replied, that any service I, or any of the officers of the government, could render to them in the case would be at their disposal, but that in my belief their only chance of success would come through the character of British subjects. My experience has taught me the inefficacy of all agencies to work results in favor of American claims through the courts here in these cases. The gentlemen said they did not wish to make a political question of it, and would only ask me to place them in communication with my sources of information, in order the better to understand the facts. I directed the secretary, Mr. Wilson, to give him a note of introduction to Mr. Eastman, which was done, and he took his leave.

Some account of this transfer has got into the newspapers, with a pretence that the intention of the pirates is to restore the plunder to the right owners. As the underwriters in London have heretofore been such liberal patrons of the illicit trade carried on for the benefit of these parties, they may possibly indulge in the hope of some sign of reciprocation on the present occasion, which I fear will turn out but a pleasing delusion.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Mr. Seward.

No. 483.]

LEGATION OF THE UNITED STATES,

London, August 27, 1863.

SIR: On a close examination of your despatch No. 667, of the 29th July, I discovered not a little difficulty in executing the duty there imposed upon me.

The note to Lord Russell, a copy of which is transmitted, was the result of my most careful reflection. I trust that it may be considered to have answered the purpose.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

[Enclosure]

Mr. Adams to Lord Russell about French mediation, August 22, 1863.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, August 22, 1863.

MY LORD: I have the honor to communicate to your lordship, under instructions from my government, a copy of a note addressed to Mr. Dayton, the minister of the United States at Paris, by the Secretary of State. I am directed to say that this is done solely out of respect to her Majesty's government, and for its information, and not from any belief that it has had any purpose or desire to vary from the policy hitherto marked out for itself in regard to the difficulties in the United States. The peculiar circumstances attending the exposition of the views of the Emperor of the French, as made in Parliament during its late session, seem to render it no more than a duty on the part of the President to communicate his opinion that the recent military and naval operations of the United States justify an augmented confidence that the insurrection, if it do not receive new and extensive aid from abroad, must fail. Hence the appearance of an intention to tender such aid, at this moment, could not but be regarded as more likely to increase existing difficulties than to overcome them. Not doubting that this is also the conviction which continues to regulate the action of her

Majesty's government, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant.

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 688.]

DEPARTMENT OF STATE,

Washington, August 31, 1863.

SIR: I have just returned to this city from an excursion through the State of New York, in company with a large number of the foreign representatives residing near this government. The recreation thus obtained was as needful to myself as to them. The immediate departure of the mails prevents special acknowledgments of such despatches received during my absence, as were thought deserving of my personal attention.

The siege of Charleston is proceeding with apparent success. The movements of General Rosecrans and General Burnside, in their operations with regard to East Tennessee, are as difficult as they are important. Our information from them is satisfactory. The interests of the Union in Texas are not overlooked.

You will have already learned that the expectations of the insurgents which were built on a riot in New York, such as often happens in all great cities, have been disappointed. The re-enforcement of the army and the increase of the navy are going on with all reasonable success. The riot proceeded upon a false assumption of interested persons that the country was wearied and exhausted by this unfortunate civil war. It is now perceived that it is as prosperous and as strong as it has been at any former period of its history. It desires peace, but not immoderately.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Pike, and Koerner.

Mr. Seward to Mr. Adams.

No. 689.]

DEPARTMENT OF STATE,

Washington, September 2, 1863.

SIR: Edwin G. Eastman, esq., the United States consul at Queenstown, Cork, in a despatch of the 14th ultimo, has informed me of the friendly spirit evinced by Rear-Admiral Sir Lewis T. Jones, K. C. B., commander-in-chief of her Majesty's naval forces at Queenstown, towards this government in his efforts to prevent the embarkation of a rebel crew and some officers on board a vessel off the port of Queenstown, supposed to have been the Southerner. I will thank you to convey to her Majesty's government, and to the rear-admiral, a suitable expression of the acknowledgments of the President for so signal a service.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 486.]

LEGATION OF THE UNITED STATES,
London, September 3, 1863.

SIR: The only subject of interest this week has been the condition of Mr. Laird's iron-clad vessels. The second has been launched, whilst the first is reported to be so far prepared for departure as to bring the question of stopping her to a point calling for prompt decision. Thus far the government has made no sign. The Union and Emancipation Society have presented an earnest memorial on the subject, which has opened the way to some controversial writing in the newspapers. I have reason to believe that the law officers of the crown are wavering in their counsel on the point of evidence of intent. Some little dust has been thrown in their eyes by the pretence of other destination than the real one. It is utterly impossible to form any opinion what the issue of this hesitation will be.

I have for some time back leaned to the belief that the vessel would be stopped. But, as it seems so doubtful, I concluded the wisest course would be to put in one more remonstrance. Accordingly I have taken advantage of some depositions, of no great additional weight, furnished to me by Mr. Dudley, to present another note, a copy of which is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 3, 1863.

MY LORD: I have the honor to transmit copies of further depositions relating to the launching and other preparation of the second of the two vessels-of-war from the yard of Messrs. Laird, at Birkenhead, concerning which it has already been my disagreeable duty to make most serious representations to her Majesty's government.

I believe there is not any reasonable ground for doubt that these vessels, if permitted to leave the port of Liverpool, will be at once devoted to the object of carrying on war against the United States of America. I have taken the necessary measures, in the proper quarters, to ascertain the truth of the respective statements current here, that they are intended for the use of the government of France or for the pacha of Egypt, and have found both without foundation. At this moment neither of those powers appears to have occasion to use concealment or equivocation in regard to its intentions, had it any in obtaining such ships. In the notes which I had the honor to address to your lordship on the 11th of July and 14th August, I believe I stated the importance attached by my government to the decision involved in this case with sufficient distinctness. Since that date I have had the opportunity to receive from the United States a full approbation of its contents. At the same time, I feel it my painful duty to make known to your lordship that, in some respects, it has fallen short in expressing the earnestness with which I have been in the interval directed to describe the grave nature of the situation in which both countries must be placed in the event of an act of aggression committed against the government and people of the United States by either of these formidable vessels.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Dudley to Samuel P. Edwards.

SEPTEMBER 1, 1863.

I, the undersigned, Thomas Haines Dudley, consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you, on behalf of the government of the United States of America, to seize and detain an iron-clad steam vessel-of-war, launched from the yard of Messrs. Laird & Co. at Birkenhead, on the 29th day of August last, and now lying at Birkenhead aforesaid, with her tackle, apparel and furniture, with all the material, arms, ammunition and stores which may belong to or be on board of the said vessel, pursuant to the power given to you in that behalf by the 7th section of the act of Parliament 59 Geo. 3, C. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the government and citizens of the United States of America, with which government her Majesty the Queen is not now at war.

THOMAS H. DUDLEY.

SAMUEL PRICE EDWARDS,
Collector of the Customs, Liverpool.

Affirmation of Thos. H. Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare as follows:

1. I am the consul of the United States of America at Liverpool and its dependencies.

2. I say that there is now, and for some time past has been, a war carried on between the government and people of the United States of America and certain persons who have rebelled against such government, and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States of America.

3. I further say that, to the best of my knowledge, information, and belief, no leave or license has been had or obtained from or of her Majesty the Queen, under her sign manual, or any order in council, or any proclamation of her said Majesty, or otherwise or at all authorizing any person, within any part of the United Kingdom, to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship or vessel shall be employed in the service of the said so-called Confederate States, to cruise or commit hostilities against the government and people of the said United States of America, and that her Majesty is not now at war with the United States.

4. I say there have been built in this port for the government, or persons assuming the government of the said so-called Confederate States, two vessels-of-war; one of them, namely, the *Oreto*, now called the *Florida*, and another

called the Alabama, built by Messrs. W. C. Miller & Sons, of Liverpool; and they have been employed by the said so-called Confederate States against the government and people of the United States of America in the war that is now going on, and armaments and war crews for both the said vessels went out in them, or were sent out from England to meet the ship abroad, and were then placed on board them. On the 4th day of July last, another vessel built by the Messrs. Laird & Co., and intended for an iron-clad steam-ram and, as this deponent verily believes, built and intended for a vessel-of-war, was launched by them from their ship-building yard at Birkenhead.

5. On the 29th day of August last, another vessel built by the said Messrs. Laird & Co., and intended for an iron-clad steam-ram, and, as I verily believe, for a war vessel, was launched by them from their ship-building yard at Birkenhead.

6. The said vessels mentioned in the fourth and fifth paragraphs of this affirmation, respectively, are now lying at Birkenhead, aforesaid.

7. I say that I have read the affidavits of George Temple Chapman, sworn on the 29th day of June last; of Clarence Randolph Yonge, sworn on the 6th day of April last; of William Hayden Russell and Joseph Ellis, sworn on the 7th day of July last; of John Brady, sworn on the 11th day of July last; of Austin Joseph Hand, sworn on the 16th day of July last; of Thomas Sweeney, sworn on the 11th day of August last; of Joseph Ellis, sworn on the 1st day of September instant; and of Charles Prentis, sworn on the 29th day of August last; and I say that, from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessels above mentioned as having been launched on the 4th day of July last, and on the 29th day of August last, respectively, are being equipped, armed, and fitted out, with intent and in order that the said vessels shall be employed in the service of the said persons setting up to exercise the power of government and called the Confederate States of America, and with intent to cruise and commit hostilities against the government and citizens of the United States of America.

THOMAS H. DUDLEY.

Affirmed at the custom-house at Liverpool, in the county of Lancaster, the 1st day of September, 1863, before me.

W. G. STEWART,
Assistant Collector.

Deposition of Joseph Ellis.

I, Joseph Ellis, of No. 161 Athol street, in Liverpool, in the county of Lancaster, shipwright, make oath and say, as follows:

1. I am well acquainted with the construction of iron-plated vessels-of-war, having assisted to build vessels of that description.

2. I was present in the ship-building yard of Messrs. Laird & Co., at Birkenhead, on Saturday the 29th day of August, 1863, when an iron-plated vessel, lately built by them, was launched.

3. The launch took place at about 11 o'clock in the morning, and before the vessel went off the ways I had an opportunity of seeing her perfectly well from the keel upward.

4. The vessel in question is a screw steamer, somewhat over two hundred feet long, as well as I could judge, and of great strength, and covered with iron plates from stem to stern. The said vessel would have about forty feet of beam amidships, and she has a space at the stern, and another space at the bow, both of which are covered in and protected by strong iron plating.

5. The said vessel is armed with a very formidable ram or piercer, which is

made of iron or steel, and projects, as well as I could judge, about five feet from the stem. The said ram or piercer was nearly submerged when the said vessel was afloat after being launched, and when the vessel is in sea-going trim the ram will be quite under the water. The said ram was of great strength, and I am satisfied that it is intended to be used for destroying other vessels. It was similar in appearance to the rams which I have seen on other iron-clad vessels-of-war.

6. The said vessel's bulwarks were not completed.

7. I was at Messrs. Laird & Co.'s yard, aforesaid, on the 4th day of July last, when another iron-clad vessel, armed with a similar ram or piercer, was launched from the ways, on the north side of the ways from which the iron-clad vessel mentioned in the preceding paragraph of this affidavit was launched on Saturday last. The said vessels were, as far as I could judge, sister ships, and similarly constructed in all material respects. On the said 4th day of July last, one of Messrs. Laird & Co.'s workmen showed me one of the iron plates prepared to be used on the said vessel launched on Saturday last. Such plate was about four and a half inches in thickness.

8. On the said 4th day of July last I examined the said vessel which was launched on Saturday last, and I saw that she was prepared to receive two circular turrets, such as would be used for carrying turret guns. On the same day I saw in Messrs. Laird & Co.'s yard the frames of two turrets, such as would be used for carrying guns on board such a vessel. On Saturday last I saw in Messrs. Laird & Co.'s yard two turrets of the same description, but in a more advanced state, both of them being partially plated with iron.

9. The said vessel which was launched on Saturday last was built on and launched from the slip which is at the south end of Messrs. Laird & Co.'s yard, adjoining Birkenhead ferry. The other vessel above mentioned, which was launched on the 4th day of July last, was built on and launched from the adjoining slip, on the north side of the slip first mentioned in this paragraph. The said vessels were in fact built side by side.

10. The said ship which was launched on the 4th day of July last was on Saturday last lying afloat in a wet dock in Messrs. Laird & Co.'s yard, and I endeavored to get to the dock to see her; I was, however, stopped by some of Messrs. Laird & Co.'s men. I told them I wanted to go to look at the vessel lying in the wet dock, but they told me that their orders from headquarters were, not to allow any one to pass to see that vessel.

11. The said vessel launched on Saturday last as aforesaid, and the said vessel launched on the 4th day of July last as aforesaid, are, beyond all doubt, intended for iron-clad vessels-of-war, and not for any other purpose whatever.

JOSEPH ELLIS.

Sworn at the custom-house at Liverpool, in the county of Lancaster, the 1st day of September, 1863, before me.

W. G. STEWART,
Assistant Collector.

Affidavit of Charles Prentis.

I, Charles Prentis, of New London, Connecticut, at present in Liverpool, formerly a master mariner, and now a merchant, in business at New London, aforesaid, make oath and say, as follows:

1. I was formerly, for ten years, master of merchant vessels, and also of whaling vessels, and I have seen and examined many vessels-of-war, both of wood and iron. I have also examined the construction of several of the iron-clad vessels-of-war lately built by the United States government.

2. On the 28th day of the present month of August I visited the yard of

Messrs. Laird Brothers, at Birkenhead, and inspected two iron-clad vessels in course of construction there. One of the said vessels is in the wet dock, and has three masts, the fore and main masts being square-rigged. She has a round overhanging stern, and is propelled by a screw. Her bow is wedge-shaped. The cut-water is almost perpendicular nearly down to the water-line, when it comes outward, so as to form a large projecting ram under water. She has also, about amidships, a turret capable of carrying a very large gun. I verily believe that the said vessel is an iron-clad war vessel, of the most formidable character, armed with a ram or piercer, constructed for the express purpose of sinking and destroying other vessels.

3. The said vessel, lastly before mentioned, appeared to be in such a state of preparation, that, in my opinion, she could be sent to sea at a few hours' notice.

4. The other of the said two iron-clad vessels was on the ways. She is finished from the keel to the upper deck, and her bulwarks are partly erected. She resembled the other of the said vessels which was in the wet dock, in size and construction, so far as I could judge from looking at her on the ways, and she was armed with a similar ram or piercer on her stem. I have no doubt, whatever, that she also is intended for an iron-clad vessel-of-war.

CHARLES PRENTIS.

Sworn at the custom-house at Liverpool, in the county of Lancaster, this 29th day of August, 1863, before me.

W. G. STEWART,
Assistant Collector.

Mr. Adams to Mr. Seward.

No. 487.]

LEGATION OF THE UNITED STATES,
London, September 3, 1863.

SIR: Lord Russell has acknowledged the reception of my note to him of the 22d ultimo, transmitting a copy of your despatch No. 380 to Mr. Dayton, in a note of the 28th ultimo, a copy of which is transmitted. A copy of mine to which it is in answer was sent with my despatch No. 483, of the 27th of August.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August 28, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d instant, enclosing a copy of a note addressed by Mr. Seward to Mr. Dayton, the United States minister at Paris.

As you state that this communication is made solely out of respect to her Majesty's government and for its information, I have only to say that I accept it in the same spirit, and shall not deem it necessary to enter into any remarks on the despatch to Mr. Dayton, a copy of which is enclosed in your letter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 488.]

LEGATION OF THE UNITED STATES,
London, September 4, 1863.

SIR: I transmit the copy of a note addressed by me this day to Lord Russell, transmitting another deposition received from Mr. Dudley, relating to the preparation for departure of the iron-clad ram from Liverpool.

I think that with this I have done all that falls within my province to prevent the government here from permitting this injurious act. The responsibility for the consequences of it must now rest on them. From the terms of a leading article in *The Globe* of last evening, as well as the printed answer of Lord Russell to the memorial of the Union and Emancipation Committee, I much fear that they have fallen on the feeblest policy.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 4, 1863.

MY LORD: I have the honor to transmit copies of several papers transmitted to me by Mr. Dudley, the consul of the United States at Liverpool, relating to the preparation for immediate departure of the steam-vessel fitting out at that place for the purpose of carrying on war against the government and people of the United States.

Begging your lordship's permission here to record, in the name of my government, this last solemn protest against the commission of such an act of hostility against a friendly nation, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, September 3, 1863.

SIR: Referring to my application made to you so long since as the seventh day of July last, to detain a steam iron-clad ram built by Messrs. Laird for the confederates, and launched on the fourth of July last, I have now to inform you that intelligence on which I place full reliance has reached me that the vessel is taking coal on board, and I apprehend that she may go to sea at any time unless detained.

I am, sir, your obedient servant,

THOMAS H. DUDLEY.

S. PRICE EDWARDS, Esq., *Collector.*

Messrs. Duncan, Squarey & Blackmore to Mr. Edwards.

10 WATER STREET, *September 2, 1863.*

SIR: We beg to hand you herewith another affidavit of Thomas Sweeney in reference to the iron-clad ram launched by Messrs. Laird & Co., on the fourth of July last, from which we submit, it appears clearly that there is the greatest risk that the vessel may go to sea at any time. On behalf of the United States government, we beg respectfully to urge upon you, in the strongest manner, the importance of taking immediate steps for the detention of the vessel in question.

We are, sir, your obedient servants,

DUNCAN, SQUAREY & BLACKMORE.

S. PRICE EDWARDS, Esq.,

Collector of Customs, Liverpool.

I, Thomas Sweeney, of No. 57 Crosby street, Liverpool, deck-planer, make oath and say as follows:

1. I was in the ship-building yard of Messrs. Laird Brothers at Birkenhead, on Friday last, the 28th day of August last, at about 3 o'clock p. m., and I there saw in one of the graving or dry docks in the said yard the iron-clad ram referred to in the affidavit sworn by me on the 11th day of August last, before the deputy assistant collector of customs at Liverpool, as having been launched on the fourth day of July last, and known as No. 294.

2. When I saw the said vessel on Friday last, as above mentioned, the forward turret had been put into the place prepared for it on board the said vessel a few feet aft of the foremast; and the other turret, intended for the after part of said vessel, was on the quay alongside of the dock in which the vessel was lying, in a position from which it might be lifted at once and placed on board the said vessel by the crane. The vessel has her masts in, and her rigging, so far as I could judge, is completed. She had no sails bent, but, as her engines and machinery were all in order and her funnel up, she is in a position to put up steam and go to sea at any time.

3. The graving dock in which the said vessel lies has direct communication with the river Mersey, from which it is separated by a caisson, so that the water can be let in at any time with the flood by removing the caisson.

THOMAS SWEENEY.

Sworn at the custom-house, Liverpool, in the county of Lancaster, the 2d day of September, 1863, before me. }

W. G. STEWART,
Assistant Collector.

Mr. Adams to Mr. Seward.

[Extract.]

No. 490.]

LEGATION OF THE UNITED STATES,

London, September 4, 1863—4.20 p. m.

SIR: I have this moment received a note from Lord Russell, a copy of which I have directed to be at once made out to be transmitted herewith. It seems to put an end to all doubt on the subject discussed in my last despatch.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 1, 1863.*

SIR: You have already been informed that the depositions enclosed in your letters of the 11th, 16th and 25th of July, and 14th ultimo, relative to the iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead, had been forwarded to the proper department of her Majesty's government, in order that such steps might be adopted as could legally and properly be taken, and I have now the honor to communicate to you the result of the inquiries which have been instituted.

In the first place, her Majesty's government are advised that the information contained in the depositions is in a great measure mere hearsay evidence, and generally that it is not such as to show the intent or purpose necessary to make the building or fitting out of these vessels illegal under the foreign enlistment act.

Secondly, it has been stated to her Majesty's government, at one time, that these vessels have been built for Frenchmen, and at another that they belonged to the viceroy of Egypt, and that they were not intended for the so-called Confederate States. It is true, that in your letter of the 25th of July you maintain that this statement as regards French ownership is a pretence, but the inquiries set on foot by her Majesty's government have failed to show that it is without foundation. Whatever suspicion may be entertained by the United States consul at Liverpool as to the ultimate destination of these vessels, the fact remains that Mr. Bravay, a French merchant residing at Paris, who is represented to be the person upon whose orders these ships have been built, has personally appeared and has acted in that character at Liverpool. There is no legal evidence against Mr. Bravay's claim, nor anything to affect him with any illegal act or purpose, and the responsible agent of the customs at Liverpool affirms his belief that these vessels have not been built for the confederates.

Under these circumstances, and having regard to the entire insufficiency of the depositions to prove any infraction of the law, her Majesty's government are advised that they cannot interfere in any way with these vessels.

I can only assure you that a careful watch shall continue to be maintained over them, and that if any act or proceeding contrary to the statute can be shown by trustworthy evidence to have taken place, or if any trustworthy person will furnish her Majesty's government with such declaration as may suffice to justify the detention of the vessels till further inquiry can be made, I will apply to the treasury to prevent the departure of these vessels till such further inquiry can be made.

But I am sure you will be disposed, in justice to her Majesty's government, to admit that, in the absence of all evidence upon mere hearsay, surmise, conversation and conjecture, her Majesty's government could not properly direct a prosecution or action under the foreign enlistment act. A court of justice would never condemn in the absence of evidence, and the government would be justly blamed for acting in defiance of the principles of law and justice long recognized and established in this country.

I feel the more convinced that such will be your opinion, as Mr. Seward, in answering a note of Lord Lyons respecting a supposed plan of issuing letters of marque in behalf of the Japanese government, says: "Prosecutions, however, cannot, it is presumed, be set on foot without affidavits of credible witnesses, as in other cases of imputed misdemeanors and crimes."

Such are in fact the principles of American as well as of British law.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 491.]

LEGATION OF THE UNITED STATES,
London, September 5, 1863—3 o'clock p. m.

SIR: I have just received a note from Lord Russell, and have only time to transmit a copy of it to you by the ordinary mail.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 4, 1863.*

SIR: With reference to your letter of yesterday's date with respect to the iron-clad steam-rans from Messrs. Laird's yard at Birkenhead, as well as with reference to previous letters from you on the same subject, I have to inform you that the matter is under the serious and anxious consideration of her Majesty's government.

I beg you to accept the assurances of the highest consideration with which I have the honor to be, sir, your most obedient servant,

RUSSELL.

CHARLES F. ADAMS, Esq., &c., &c.

Mr. Seward to Mr. Adams.

No. 695.]

DEPARTMENT OF STATE,
Washington, September 5, 1863.

SIR: Your despatch of August 21 (No. 478) has been received. I have communicated to the President the resolution by which the Union and Emancipation Society of Manchester tendered to him their congratulations upon the recent successes of the national arms, and also their resolution concerning the captivity of General Neal Dow. The President appreciates very highly these expressions of the good feelings of that respected association towards the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 696.]

DEPARTMENT OF STATE,
Washington, September 5, 1863.

SIR: Your despatch of the 21st of August (No. 479) has been received. You have proceeded very properly in communicating to Mr. Dudley Earl Russell's note, correcting what is represented as an erroneous statement of the former in regard to Mr. Welsman, of the firm of Fraser, Trenholm & Company. Earl Russell's note will be placed on the files of this department.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 697.]

DEPARTMENT OF STATE,

Washington, September 5, 1863.

SIR: Your despatch of August 21 (No. 477) has been received, and I have the pleasure of communicating to you the President's approval of your proceedings, in laying before her Majesty's principal secretary for foreign affairs the additional information therein mentioned in relation to the two armed vessels which are being prepared at Laird's ship-yard, for hostilities to the United States. Notwithstanding this government is strongly predisposed to believe the assurances of her Majesty's ministers of their determination to maintain a proclaimed neutrality, it is impossible to regard without surprise and deep concern the maturing of these hostile armaments, without the least evidence of any purpose to prevent their departure from the shores of Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Extract]

No. 700.]

DEPARTMENT OF STATE,

Washington, September 5, 1863.

SIR: Your despatch of August 20 has been submitted to the President.

* * * * *

I have bestowed the most thoughtful consideration upon your suggestions concerning the importance of avoiding collisions with Great Britain. Your observations concerning the importance of more effective measures for arresting the depredations of the piratical vessels seem so sagacious, that I have recommended them for the earnest consideration of the Secretary of the Navy.

At the same time, you will excuse me for stating the difficulties of enduring, without a resort to extreme measures of resistance, the new invasion which is threatened from the ports of Great Britain. The navy understand that, although the capacities of the department have been taxed to the utmost for defensive preparations and maintaining the blockade, they neither have now, nor can seasonably have vessels that can be spared from the siege of Charleston, adequate to resist the formidable rams which, virtually with the consent of the British Parliament, are within a few weeks to come forth against us from Laird's ship-yard. The new vessels which the Lairds are preparing must, therefore, be expected to enter Portland, Boston, New York, or, if they prefer, must attempt to break the blockade at Charleston, or to ascend the Mississippi to New Orleans.

Can the British government suppose for a moment that such an assault as is thus meditated can be made upon us by British-built, armed, and manned vessels, without at once arousing the whole nation, and making a retaliatory war inevitable? Whatever view may be taken of the fortunes of the insurrection in Europe, it is deemed clear in this country that the factious spirit which gave it birth is rapidly declining, and the sentiment of nationality is developing itself anew, with an energy never before known. The nation, after two years of experience of war, has overcome the sense of fear, while its temper is highly excited. It believes that, though found unprepared, there are no limits to its ultimate ability for self-defence. It has a press and a Congress as free and as bold as the press and the Parliament of Great Britain. You have only to listen to the political debates in any part of the country, to learn that the United States would accept an unprovoked foreign war now with more unanimity and cheerfulness

than at any former period. I write this with all the earnestness of conviction, and with all the concern which one must feel, who believes that any foreign war must be only inferior in the dangers it brings, to the domestic war which so many, differing from me, have thought endangered the very existence of my country. I am sure that British statesmen must know that a war between their country and the United States is unnecessary, and that it could bring no resulting benefits to Great Britain. For the interest of both countries and of civilization, I hope they will not let a blow fall from under their hands that will render peace impossible.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 701.]

DEPARTMENT OF STATE,

Washington, September 7, 1863.

SIR: We continue to have favorable reports of our military and naval operations. Fort Sumter has virtually been destroyed, and the besieging officers report that the siege of Charleston is going on favorably.

General Rosecrans on the right, and General Burnside on the left, have occupied Stevenson, Kingston, and Knoxville, and thus effectually broken the chief military connexion between the insurgents at Richmond and their confederate forces in the Gulf States. I need not expatiate on the strategic importance of this movement. The United States forces are advancing successfully towards Little Rock, in Arkansas.

A new expedition is ready to proceed from New Orleans to Texas. There is no change in the position of the opposing forces in Virginia.

All local resistance of the draft seems at an end, and the United States armies are now being effectually augmented.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 492.]

LEGATION OF THE UNITED STATES,

London, September 8, 1863.

SIR: At the last moment on Saturday I sent you a despatch by the ordinary mail, containing a copy of Lord Russell's note to me of the 4th instant, just then put into my hands, signifying that the decision of the government, announced in his previous note of the 1st instant, had, under the effect of my notes of the 3d instant, and former dates, been subjected to a reconsideration. It is proper now to add, that just before the reception of this I had prepared and despatched another one in reply to the previous note of the 1st instant, which I then supposed to be final. A copy of this, which there was no time to make on Saturday, I now transmit. I need not say, that had I known of the latter course of the government in season, I should have held it back. Feeling as I do the heavy responsibility that must devolve upon me in the conduct of this critical transaction, it is not my disposition to say or do the least thing that may add to the difficulties inevitably growing out of it between the countries. * * * * Considering the grave nature of the issue, I have

thought it wiser not to give any handle to the pretence that resort to intimidation had been attempted. At the same time, I have endeavored to convey, in its full sense, what I believe to be the feeling excited in both the government and people of the United States, by the extraordinary and unjustifiable violations of neutrality continually permitted in this kingdom, of which the latest is the crowning instance

In regard to the allegations made in the public prints, to which the crown lawyers seem to have been disposed to attach consequence, of possible ownership of these vessels either by France or Egypt, I ought, perhaps, to have mentioned, that on application through Mr. Dayton, in Paris, and to Mr. Mums, the Turkish ambassador at this court, I had obtained satisfactory evidence of their falsehood.

Since commencing this despatch I have received a note from Lord Pussell, a copy of which, as also of my reply, is transmitted. I had been somewhat prepared for the intelligence it conveys by the appearance in the *Post* of this morning of an article bearing an official aspect, to the same effect. Under the peculiar circumstances attending the case, and the heavy responsibility which the ministry has assumed in taking this course, I trust I may be pardoned for suggesting the expediency of as much caution and forbearance as possible in the treatment of the subject in America.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, September 5, 1863.

MY LORD: At this moment, when one of the iron-clad vessels is on the point of departure from this kingdom, on its hostile errand against the United States, I am honored with the reply of your lordship to my notes of the 11th, 16th and 25th of July, and of the 14th of August. I trust I need not express how profound is my regret at the conclusion to which her Majesty's government have arrived. I can regard it no otherwise than as practically opening to the insurgents free liberty in this kingdom to execute a policy described in one of their late publications in the following language:

"In the present state of the harbor defences of New York, Boston, Portland, and smaller northern cities, such a vessel as the *Warrior* would have little difficulty in entering any of these ports and inflicting a vital blow upon the enemy. The destruction of Boston alone would be worth a hundred victories in the field. It would bring such a terror to the 'blue-noses,' as to cause them to wish eagerly for peace, despite their overweening love of gain which has been so freely administered to since the opening of this war. Vessels of the *Warrior* class would promptly raise the blockade of our ports, and would even, in this respect, confer advantages which would soon repay the cost of their construction."

It would be superfluous in me to point out to your lordship that this is war. No matter what may be the theory adopted of neutrality in a struggle, when this process is carried on in the manner indicated, from a territory and with the aid of the subjects of a third party, that third party to all intents and purposes ceases to be neutral. Neither is it necessary to show, that any government which suffers it to be done fails in enforcing the essential conditions of international amity towards the country against whom the hostility is directed. In

my belief it is impossible that any nation, retaining a proper degree of self-respect, could tamely submit to a continuance of relations so utterly deficient in reciprocity. I have no idea that Great Britain would do so for a moment.

After a careful examination of the full instructions with which I have been furnished, in preparation for such an emergency, I deem it inexpedient for me to attempt any recurrence to arguments for effective interposition in the present case. Under these circumstances, I prefer to desist from communicating to your lordship even such further portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties already far too serious. I therefore content myself with informing your lordship that I transmit, by the present steamer, a copy of your note for the consideration of my government, and shall await the more specific directions that will be contained in the reply.

I seize this opportunity to pray permission of your lordship to correct a clerical error inadvertently made in my note of the 3d instant, in inserting the date of two notes of mine as having received the express approbation of my government. The intention was to specify only one, that of the 11th of July. The correction is not material, excepting as it conforms more strictly to the truth.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 9, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of yesterday, announcing the determination of her Majesty's government to prevent the departure of the war vessels now fitting out at Liverpool. I shall take great pleasure in transmitting a copy for the information of my government.

I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

The Right Honorable EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, September 8, 1863.

Lord Russell presents his compliments to Mr. Adams, and has the honor to inform him that instructions have been issued which will prevent the departure of the two iron-clad vessels from Liverpool.

[From the Morning Post of September 8.]

El Toussoun and El Monassir.

"The first exploit of these two vessels of war, which have now almost arrived at completion in Mr. Laird's building yard, will be to run the home blockade of legal difficulties before they are allowed to proceed on their destined career, whatever that may be. Whether they can successfully navigate the channel

beset with shoals and rocks through which the *Alexandra* was steered remains to be seen. There is now, we believe, little doubt that, under the terms of the foreign enlistment act, they are to be detained by government. The allegation against them is that they are fitted out for the purpose of carrying on hostilities against the United States. On the other hand, it is contended that they were built by order of a French house for the late Pasha of Egypt, who gave the firm a commission for the coinage of a large sum of money in France, and for the construction of two steam-rams in England. The money was duly coined and received in Egypt. The vessels were in course of construction when the Pasha died, and his successor repudiated that part of the contract. What the French house intends to do with them is not known. The accusation is, that they are destined for war with a friendly power. They will consequently be detained, and a court of law will determine whether, under the terms of the foreign enlistment act, the detention is legal, or whether the owners can recover them from the hands of the government."

Mr. Seward to Mr. Adams.

No. 704.]

DEPARTMENT OF STATE,

Washington, September 9, 1863.

SIR: I transmit an extract from a despatch which has just been received at this department from Robert H. Pruyn, esq., the minister resident of the United States in Japan, in which he suggests the expediency of requiring of the Mikado a ratification of the treaties which have been solemnized between several of the maritime powers and the Tycoon of the Japanese Empire. Mr. Pruyn suggests certain naval and military measures which he thinks would be effectual to secure such a ratification. You will invite the attention of Earl Russell to those suggestions, and inform him that if her Majesty's government should approve them, the United States would cheerfully direct Mr. Pruyn to use his exertions to secure the adoption of the measures which he has proposed in the interest of all the western powers.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 705.]

DEPARTMENT OF STATE,

Washington, September 10, 1863.

SIR: Your despatch of the 27th of August (No. 483) has been submitted to the President. You have executed with perfect propriety and success the instruction therein mentioned.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 493.]

LEGATION OF THE UNITED STATES,

London, September 10, 1863.

SIR: I have to acknowledge the reception from the department of despatches numbered 677, and from 684 to 687, inclusive. On a re-examination of the files, I find that No. 676 has not yet been received.

The intelligence received here of the effect of the operations against Fort Sumter and Charleston has made much sensation. It seems to be the signal for a revolution in public opinion, which may become complete if the sequel of the military news should continue like the beginning.

Notwithstanding the notice in the Post of Tuesday, and the official communication to me of the decision of the government to prevent the departure of the war vessels at Liverpool, of which I apprised you in my last despatch, forwarded out of course by yesterday's steamer, there seems to have been a singular delay in making the matter generally known to the public. The Times of this morning contains a leader predicated upon the supposition that no action has yet been taken, yet evidently designed to prepare the public mind for something of the kind in the end.

Lord Russell does not appear to have been in London on Tuesday, the day of the date of his note. I infer that either it was prepared here by an understanding with him previously agreed upon, or that he dictated it by telegraph from Scotland. The form seems to have been chosen to dispense with the necessity of a signature.

But a still more significant manifestation of the altered tone of the government is to be found in the speech made by Lord Russell, at the opening of the new park at Dundee, yesterday, a report of which is published in the newspapers of this morning. He seems to have rather gone out of his way to take up the subject, in order to announce the policy of the government. You will not fail to observe the greatly increased firmness of his language, and more especially his intimation that new powers may be solicited from Parliament, if those now held should prove insufficient. This is, at last, the true tone. I confess that I have more hopes of our prospect of being able to preserve friendly relations than at any moment since my arrival in England. Unless some new and untoward event should occur to make other complications, I see no barrier of a serious character to our continuance in peace.

There is, however, still one very large and formidable steam vessel on the stocks at Glasgow, which I am led to believe to be intended for the rebels. Mr. Dudley, the consul at Liverpool, reports five others, of smaller dimensions, in preparation there likewise. As yet we have not obtained any evidence upon which to rest a remonstrance against their departure. Efforts will, however, be made, which, in conjunction with the more decided tone of the government, may possibly deter the builders from proceeding in their work. Nothing will do more good, however, in Europe than a few more accounts of what is done by General Gillmore's cannon. They are as effective in dispelling illusions as in breaking down the material resistance of brick and stone. We anxiously await the later reports.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 710.]

DEPARTMENT OF STATE,

Washington, September 17, 1863.

SIR: I now add to the number of similar cases already intrusted to your charge that of the American bark Union Jack, destroyed by the piratical vessel of British origin and equipment, commonly designated the Alabama, and

will thank you to take such steps in the matter as shall, in your judgment, tend to secure such redress as may be justly due to the aggrieved parties from her Britannic Majesty's government.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 497.]

LEGATION OF THE UNITED STATES,
London, September 17, 1863.

SIR: I have to acknowledge the reception this week of your despatch, No. 688, of the 31st of August. I am glad to learn by it that you have returned to your duties, at Washington, invigorated by your excursion.

The only subject of interest during this week has been the situation of the iron-clad vessels at Liverpool. On Monday morning I was a little startled by the appearance in the morning newspapers of contradictory statements. The Post, which had been the first the week before to announce the detention of the ships, now came out with an intimation that the interdict would be soon removed, as the true object of the vessels would be made known. In the mean time Mr. Laird would be permitted to make a trial trip, on the promise that he would bring the vessel back to port on the same day. Concurrently with my reading of this notice, I received a telegram from Mr. Dudley, at Liverpool, announcing that one of the vessels had been taking in coals during the night, and was about to depart on what was called a trial trip, from which she would not return.

On that very same morning special notices, drawn up in identical terms, appeared in the Times, the News, and the Star, to the effect that the government had decided to detain the vessels for a decision upon their character. The official nature of this statement was distinctly marked.

Whilst I was in doubt what to make of this, I received another telegram from Mr. Dudley, announcing that the vessel, instead of going out on a trial trip, as expected, had been floated to Birkenhead, as if to tie up in dock.

The same evening I received from Lord Russell the note, a copy of which is herewith transmitted. Although the reasoning is a little varied from that in his preceding papers, I concluded that it would be better to enter into a pretty full consideration of it, if for no other motive, at least to soften in a degree the character of my former note, at which he appears to take exceptions. A copy of my reply accompanies this despatch.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD.

Secretary of State, &c.

[Enclosures.]

1. Lord Russell to Mr. Adams, September 11, 1863.
2. Mr. Adams to Lord Russell, September 16, 1863.

*Lord Russell to Mr. Adams.*FOREIGN OFFICE, *September 11, 1863.*

SIR: I have received your letter of the 5th instant, and have read it with great regret.

It has been the aim of the government of Great Britain to maintain a strict neutrality between the parties who for two years have carried on a civil war of unusual extent and loss of life on the continent of North America.

Her Majesty's government have, for the most part, succeeded in this impartial course. If they have been unable to prevent some violations of neutrality on the part of the Queen's subjects, the cause has been that Great Britain is a country which is governed by definite laws, and is not subject to arbitrary will. But law, as you are well aware, is enforced here, as in the United States, by independent courts of justice, which will not admit assertion for proof, nor conjecture for certainty.

In the United States, as in England, questions of this nature have been discussed by judges of great legal ability, whose learning and impartiality have given weight and authority to their decisions in every part of the civilized world.

Her Majesty's government feel confident that the President of the United States will be disposed rather to resort to those great expositors of international law, and to be guided rather by a careful examination of the course of her Majesty's government, than to yield to the hasty conclusions and prejudicial imputations of public clamor.

For instance, in the case still pending of the iron-clad steam-rams at Birkenhead, Mr. Seward, with his knowledge and perspicuity of judgment, cannot fail to acknowledge that it was necessary to show, not only that these vessels were built and equipped for purposes of war, but also that they were intended for the so-called Confederate States.

With a view to complete the evidence on this head, it was material to prove that the iron-clads were not intended for the French government, or for the Pacha of Egypt. With respect to the French government, her Majesty's government have received, upon inquiry, assurances, through Earl Cowley and the Marquis of Cadore, that the French government have nothing to do with the Birkenhead iron-clads.

In respect to the Egyptian government, it was only on the 5th instant that her Majesty's government received a despatch from Mr. Colquhoun, her Majesty's consul general in Egypt, which is conclusive on this subject.

Mr. Colquhoun reported on the 28th August that M. Bravay, a French subject, and a member of the French Chamber of Deputies, had stated to Ismail Pacha, very lately, that the orders for the two iron-clads were given when said Pacha was last in Paris. M. Bravay seems to have urged Ismail Pacha to fulfil the verbal contract of his predecessor, and to purchase these vessels, for which he, M. Bravay, had paid a large sum on account.

But Ismail Pacha, Mr. Colquhoun adds, refused to purchase these vessels.

From this example, and that of the vessels built for the Emperor of China, whose name was alleged all over the United States to be a mere sham to cover the real destination of the vessels, the President will gather how necessary it is to be dispassionate and careful in inquiries and statements upon subjects involving such great interests, and affecting the good faith and the character of a power so honorable as Great Britain.

These matters will, no doubt, be duly and dispassionately considered by the government at Washington, however they may have been understood in London.

I deem it right, however, to observe that the question at issue between yourself and her Majesty's government relates to two separate and distinct matters—the general international duties of neutrality, and the municipal law of the

United Kingdom. With regard to the general duties of a neutral, according to international law, the true doctrine has been laid down repeatedly by Presidents and judges of eminence of the United States, and that doctrine is, that a neutral may sell to either or both of two belligerent parties any implements or munitions of war which such belligerent may wish to purchase from the subjects of the neutral; and it is difficult to find a reason why a ship that is to be used for warlike purposes is more an instrument or implement of war than cannon, muskets, swords, bayonets, gunpowder, and projectiles to be fired from cannon and muskets. A ship or a musket may be sold to one belligerent or the other, and only ceases to be neutral when the ship is owned, manned, and employed in war, and the musket is held by a soldier, and used for the purpose of killing his enemy. In fact, the ship can never be expected to decide a war or a campaign, whereas the other things above mentioned may, by equipping a large army, enable the belligerent which requires them to obtain decisive advantages in the war.

Then, again, as regards the employment of the subjects of a neutral by either belligerent: it is obvious that even if the whole crew of a ship-of-war were composed of the subjects of a neutral, that crew should have less influence on the results of the war than whole regiments and brigades employed on land, and composed of the subjects of a neutral state.

Now, admitting that the confederates have been able to employ some vessels built in the United Kingdom, in spite of the efforts of her Majesty's government to prevent it; and admitting also, that which is believed to be the fact, that the confederates have derived a limited supply of arms and ammunition from the United Kingdom, notwithstanding the federal blockade of their ports; yet, on the other hand, it is perfectly notorious that the federal government have purchased in and obtained from the United Kingdom a far greater quantity of arms and warlike stores.

As far, then, as regards the drawing warlike supplies from the United Kingdom, the federal government has done in that respect a great deal more than the confederates have done; and if, in contradiction to the doctrine repeatedly and deliberately promulgated by Presidents of the United States, the furnishing of such supplies by the subjects of a neutral to one belligerent is, as you would seem to represent it, an act of war against the other belligerent, the United Kingdom of Great Britain must be deemed to be at war with both the contending parties in North America, but to have given greater assistance in the war to the federals than to the confederates.

But if the question with regard to men is to be raised, the difference is far greater. Even admitted, as asserted by you, though her Majesty's government have no knowledge of the fact, that a small number of British subjects have, in defiance of her Majesty's proclamation, engaged in the service, either by sea or land, of the confederates, it might be asked whether no British seamen are now employed in the naval service of the United States government? At all events, it is well known that large numbers of natural-born subjects of her Majesty have fought and fallen in the ranks of the federal armies, and it is confidently asserted, though her Majesty's government have no proof of the fact, that agents of the federal government are employed within the United Kingdom to engage subjects of her Majesty to emigrate to the United States with a view of engaging when there in the military service of the federal government.

Her Majesty's government would fain hope that such reports are unfounded, because such a proceeding would not only be a departure from international comity, inasmuch as it would be tempting British subjects to act in violation of her Majesty's proclamation, but it would also be diametrically at variance with the doctrine laid down by the President of the United States, upon a similar matter in 1855, during the war between Great Britain and Russia.

Upon the second branch of this subject, namely, the question how far her

Majesty's government have enforced the municipal law of the United Kingdom commonly called the "foreign enlistment act," her Majesty's government can only repeat that they have taken every step to enforce that law, which by legal authority they have been advised to be within their competency, and her Majesty's government will, from a due regard to their own good faith, and to the national dignity, continue, without regard to any other considerations, to pursue the same course.

Her Majesty's government forbear from making any remarks upon the passage which is quoted by you from some confederate newspaper, the editor of which tries to show what damage the Warrior could inflict upon the seaboard of the federal States. Such remarks have, happily, no bearing upon the present state of things, and may be dismissed without comment.

Her Majesty's government, in conclusion, can only hope that the government at Washington may take a calmer and more dispassionate view of these matters than seems to be inferred from your note; but, at all events, her Majesty's government can, with perfect sincerity, assure you that it is their earnest desire faithfully to perform the duties of neutrality in the unhappy conflict which now devastates so large a portion of the States of North America, and that so far from being animated by any feelings of hostility towards either of the contending parties, they would deem it fortunate and honorable to Great Britain if any opportunity should occur which could offer to her Majesty's government the slightest chance of being in any way useful in promoting the establishment of peace.

I have to add that instructions have been issued for preventing the departure of the iron-clad vessels in question from Liverpool until satisfactory evidence can be given as to their destination, or, at all events, until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,

London, September 16, 1863.

MY LORD: I have the honor to acknowledge the receipt on the 14th of your note, dated on the 11th, in reply to mine of the 5th of the current month.

Your lordship remarks that you had read my letter with great regret. On my part, I am very sure that it could not exceed the regret with which I wrote it.

You are pleased to observe that her Majesty's government hopes my government may take a calmer and more dispassionate view of the matters involved in this discussion than seems to be inferred from my note. If in that note I should have unfortunately led her Majesty's government to any inference of the kind, I can only assure your lordship that the fault must be exclusively mine. At the same time I feel it my duty not to disguise from you the very grave sense it entertains of the danger that her Majesty's kingdom may be freely used by the enemies of the United States, in conjunction with numerous ill-disposed subjects of her own, to carry on a war against them in manner and spirit wholly at variance with the rules of neutrality, which her Majesty's government has prescribed for itself in the present contest, as well as with the stronger obligations of amity and good will imposed by solemn treaties long since entered into between the parties.

Your lordship appears disposed to throw aside the extract made in my note from an insurgent publication as "happily having no bearing upon the present state of things." That publication was predicated upon the expectation raised by the report of the case of the *Alexandra*, that no further obstructions to the full execution of the policy therein indicated would be made in the ports of her Majesty's kingdom. Coming, as it did, in corroboration of secret information derived from other sources, I certainly felt as if it was incumbent upon me to lay before you a view of the consequences not unlikely to result from the adoption of the conclusions announced to me in your note of the 1st, which fully justified that expectation. If her Majesty's government have not the power to prevent the harbors and towns of a friendly nation from being destroyed by vessels built by British subjects, and equipped, manned, and despatched from her harbors with the intention to work that immense mischief, then is the neutrality of the kingdom nothing more than a shadow, under which war may be conducted with more effect than if undisguised, and all international obligations, whether implied or expressed, not worth the paper on which they are written.

It is no part of my intention to renew with your lordship the discussion of the extent to which a belligerent may draw resources from the territories of a neutral, nor yet to examine the degree in which the respective parties to the present contest have done so in Great Britain.

The limit in the first instance is well known to be the law of trade, which passively ignores the character of the purchaser. That limit, I desire once more to declare to your lordship, has never been passed by the government of the United States, whatever may be the insinuations or intimations to the contrary, to which your lordship alludes. The repeated and authorized denials of them made by me would seem, in ordinary courtesy, to be entitled to full confidence, at least so long as it is admitted that no evidence exists to impair its reputation for good faith.

On the other hand, the history of the past two years has proved beyond the possibility of denial that the insurgents have steadily and persistently been engaged in transgressing the limit above laid down. They have built ships in the ports of this kingdom with the intent to make war on the United States; they have equipped and armed those ships with the aid of British subjects; they have manned those ships by the enlistment of British subjects, and without ever entering any insurgent harbors; they have sailed on the high seas committing depredations on the property of the people of the United States under protection of the British flag. In advance of this series of proceedings I have been steadily engaged in making representations of the danger of the same to your lordship, the correctness of which has been almost uniformly verified by the result. In the very first instance in which I had the honor to present a remonstrance to your lordship, (the case of the gunboat *Oreto*.) it appears, from the admission of the individual now in command of that vessel, under the name of *Florida*, that she was built in the port of Liverpool with the intent to carry on war against the United States. I quote from the language of a letter signed J. N. Maffit, which has appeared in the public prints, when I say that "that corvette has, in fact, been built and armed by the government of the Confederate States of America."

This building and arming are well known to have been done from the ports and harbors of Great Britain and its dependencies; and just so has it been with the other vessels of the same nature now on the ocean, that have never yet earned any national character excepting that which may attach to them from the territory where they were built, equipped, manned, and armed.

It is unnecessary for me to enlarge further upon this view of the case, or to contrast this conduct of the insurgents with that observed by the United States. I shall content myself only with pointing out to your lordship that the suffering by Great Britain of such proceedings as I have complained of is in violation of

the rules of neutrality established by the law of nations, as laid down by distinguished writers, including your lordship, as well as of the very terms of the enlistment act, as adopted in this kingdom for the purpose of enforcing those rules.

This is the language of Martens on the subject:

“Celui la au contraire blesse les devoirs de la neutralite qui, sans engagements anterieurs, * * * * * tolere sur son territoire les preparatifs militaires de l'une des puissances belligerentes, *en souffrant des armemens en course,*” &c., &c.

I now quote from the authority of your lordship himself:

“Attempts on the part of the subjects of a neutral government to take part in a war, or to make use of a neutral territory as an arsenal or barracks for the preparation and inception of direct and immediate hostilities against a state with which their government is at peace, as by enlisting soldiers, or fitting out ships-of-war, and so converting, as it were, neutral territory into a hostile depot or post, in order to carry on hostilities therefrom, have an obvious tendency to involve in the war the neutral government which tolerates such proceedings. Such attempts, if unchecked, might imply at least an indirect participation in hostile acts, and they are, therefore, consistently treated by the government of the neutral state as offences against its public policy and safety, which may thereby be implicated.”

How far the enlistment act appears to have been infringed upon, I trust I need go no further to show than to quote the view, with which your lordship has heretofore honored me, of what acts constitute a violation of that statute:

“The foreign enlistment act is intended to prevent the subjects of the crown from going to war when the sovereign is not at war.

“Thus, private persons are prohibited from fitting out a ship-of-war in our ports, or from enlisting in the service of a foreign state at war with another state, or in the service of insurgents against a foreign sovereign or state. In these cases the person so acting would carry on war, and thus might engage the name of their sovereign and their nation in belligerent operations.”

And here your lordship will permit me to remind you that her Majesty's government cannot justly plead the inefficacy of the provisions of the enlistment law to enforce the duties of neutrality in the present emergency as depriving them of the power to prevent the anticipated danger. It will doubtless be remembered that the proposition made by you, and which I had the honor of being the medium of conveying to my government, to agree upon some forms of amendment of the respective statutes of the two countries, in order to make them more effective, was entertained by the latter, not from any want of confidence in the ability to enforce the existing statute, but from a desire to co-operate with what then appeared to be the wish of her Majesty's ministers. But, upon my communicating his reply to your lordship, and inviting the discussion of propositions, you then informed me that it had been decided not to proceed any further in this direction, as it was the opinion of the cabinet, sustained by the authority of the lord chancellor, that the law was fully effective in its present shape.

It should here be observed that it was because I inferred from the language of your lordship's note of the 1st of this month a virtual abnegation by her Majesty's government of all power practically to prevent the violation of those admitted obligations of neutrality notoriously going on within this kingdom, that I felt it my duty to represent in firm, but I trust not disrespectful nor unsuitable language, the strong sense of injury which my government would unquestionably entertain on learning the unfortunate conclusion to which they had arrived.

And here I must ask permission of your lordship to observe that the disposition shown in that note to attach credit to a fraud which, to me, seems so transparent as that attempted in the person of Mr. Bravay, was calculated to inspire in me the most serious fears of the possibility of my ever being able to inter-

pose the smallest obstacle in future to the most barefaced imposture that might be practiced in these cases on her Majesty's government. Well knowing the unscrupulous character of the parties engaged in these operations, I had every reason to apprehend they would always be prepared with some similar specious pretence to annul any attempts further to hinder their illegal operations.

The simulated ownership of this Mr. Bravay appears to have dated so long back as on the 3d of July last. It was first alleged that it had been claimed through the official agency of the consul of France at Liverpool. And in this form the story was honored by the countenance of the first minister, Lord Palmerston, in the debate which took place in the House of Commons on the 23d of that month. Your lordship will recollect that I took immediate measures to procure an effectual disavowal of that authority by the French consul, and to furnish the evidence to you. Supposing that her Majesty's government were perfectly satisfied with this, you may judge of my extreme astonishment when I gathered from your note of the 1st instant that her Majesty's government, nearly two months afterwards, was still entertaining doubts about the truth of this story, and had not, during the long interval, obtained the evidence to set the matter at rest. Had your lordship done me the favor to mention the doubt at any time, I flatter myself that I could have supplied the necessary proof to dispel that illusion. I could have pointed out the fact that Mr. Bravay, professing to act as the agent of the Pacha of Egypt, yet carefully abstaining from any communication with his alleged employer, had addressed himself instead to the Emperor of the French, to get the support of his embassy in England, in order to effect the transfer of the vessels from under the British authority.

He was foiled in his attempt by the plain answer, that the ships having a foreign destination, the French agents had no authority to intervene with the British government to effect such a transfer. Not satisfied with making this answer however, I am informed that the French government at once applied to the viceroy of Egypt in order to verify the correctness of Mr. Bravay's statement. The answer was, as might naturally have been inferred, a complete disavowal of any share in the transaction. Mr. Bravay, on being applied to for a copy of any contract under which he could claim to act for the Pacha, was obliged to confess that he had none. But he then pretended that his agreement was verbal with a person who he was sure could not this time be confronted with him to prove his want of veracity, the late Pacha of the same country.

Such being the facts attending this extraordinary imposture, your lordship may judge of my surprise on learning from your note that on 1st of September "the inquiries set on foot by her Majesty's government had failed to show that the statement of French ownership was without foundation;" furthermore, that "there was no legal evidence against Mr. Bravay's claim, and that the responsible agent of the customs at Liverpool affirmed his belief that these vessels had not been built for the confederates." Lastly, "that upon these and other grounds her Majesty's government were advised that they could not interfere in any way with these vessels."

Under these circumstances, I trust I may be pardoned if I was somewhat moved in perceiving that the peace of two great countries, and the lives of, perhaps, thousands of the people inhabiting them, were about to be seriously endangered by the acts of profligate and unscrupulous mischief-makers, whose operations were to be permitted by reason of the want of a scruple of technical evidence to prove a gross and flagrant fraud.

With regard to the opinion of her Majesty's customs agent at Liverpool, I had already had abundant causes to know the value of that in various preceding instances in which I have had occasion to address remonstrances against the notorious proceedings at that port. If her Majesty's ministers look no further

for proof to invalidate the evidence which I have had the honor to present, I can readily foresee what will be the issue. I respectfully submit that the interests of two nations are of too much magnitude to be measured by the infinitesimal scale of the testimony permissible before a jury in a common law court. I may be pardoned if I here remind your lordship of the significant language used in a parallel case in former days by that distinguished British statesman, George Canning, when he deprecated the consequence of permitting the paltry, pettifogging way of fitting out ships in British harbors, to "sneak his country into a war." It may, indeed, well be that the inability to prevent some violations of neutrality in past instances, which your lordship is candid enough to confess, may be regarded by the United States as proceeding from special causes, which ought not to impair confidence in the enforcement of a general policy of neutrality by her Majesty's government; but I pray your lordship to consider what can be that security, when all the barriers are virtually removed out of the way of an effective levying of war against them from this kingdom on the most formidable scale.

I feel it my duty to persist in the opinion that the evidence which I have had the honor to present to your attention, in regard to the character and intent of the war vessels fitting out at Liverpool, is entitled to belief, at least so long as it is not rebutted by far stronger proof to the contrary than that held out by the unsupported word of a French commercial adventurer, found to be capable of prevarication, if not of absolute falsehood, or by the bare opinion of an official person probably entertaining a sympathy with the cause of the guilty parties. The very fact that resort has been had to such flimsy pretences to prevent the detection of the true object, seems to afford the strongest proof that that object is not a lawful one, and is the one pointed out in the evidence. All exterior circumstances go to confirm this view. The universal impression notoriously existing in Liverpool, the concurrent intimations of the press of the insurgent States, and the absence of any other suitable explanation, though not constituting in themselves technical evidence, are yet important adjuncts to that which may fairly be classed under the definition. For myself, I must add that I entertain not a shadow of doubt that the substance of the evidence is true. If, then, there be any virtue in the authority upon which her Majesty's government deliberately decided that the provisions of the enlistment act could be enforced without the need of any amendment, this is, surely, a most fitting and urgent occasion upon which all the majesty of the law may be invoked to the end of establishing justice and maintaining peace.

In conclusion, I pray your lordship's attention to the fact that, in spite of the decision to which her Majesty's government appear to have arrived, and which you have done me the honor to communicate to me, I have reason to believe that no efforts are intermitted to prepare the war vessels for immediate departure. Well acquainted, as I am, with the desperate character of the chief persons engaged in the insurrection in the United States, I shall be little surprised at learning of their resort to any and every expedient, however audacious or dishonest, which may have for its object the possession of these formidable ships.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

Mr. Adams to Mr. Seward.

No. 499.]

LEGATION OF THE UNITED STATES,
London, September 17, 1863.

SIR: I transmit the copy of a note from Lord Russell, dated the 11th instant, in reply to mine of the 1st of August, already forwarded with my despatch No. 480, both in relation to the subject to which my attention was called by your No. 645, of the 7th of July.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 11, 1863.*

SIR: Your letter of the 1st ultimo, conveying the thanks of the United States government for certain regulations, in regard to gunpowder, issued by the lieutenant governor of British Honduras, was forwarded in due course to the secretary of state for the colonies, and I have now the honor to inform you that I have received from his grace, in reply, a letter stating that it will, no doubt, be satisfactory to Governor Seymour to learn that any measures of his have a tendency to promote friendly relations with foreign governments.

The Duke of Newcastle, however, observes that as Governor Seymour's measures respecting the export and repacking of gunpowder, and the limitation of the quantity to be kept in store, may be attributed to a policy other than neutral, and which it would not be possible to enforce consistently, his grace thinks it right to state that he has not received from Governor Seymour any report of the adoption of measures to prevent the export of gunpowder to the so-styled Confederate States, though he is aware that it occasionally becomes necessary to take strong measures for preventing supplies of gunpowder being obtained by Indian tribes in the neighborhood of the colony, whose peaceable demeanor cannot always be relied upon.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 500.]

LEGATION OF THE UNITED STATES,
London, September 18, 1863.

SIR: Lord Russell is becoming a little sensitive to the multiplication of the claims for damage done by the Alabama. A copy of his note to me of the 14th instant, in reply to mine of the 24th of August, on the case of the ship Nora, is now transmitted. I adjoin a copy of my answer. You will judge from it of the expediency of furnishing me with new instructions.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *September 14, 1863.*

SIR: In acknowledging the receipt of your letter of the 24th ultimo, in which you request that Messrs. Upton's claim on account of the destruction of their vessel, the *Nora*, by the *Alabama*, may be added to others of the same kind, which you have heretofore presented to me, I must, on the part of her Majesty's government, repeat the disclaimer which, on more than one occasion, I have already made to you of all responsibility in regard to the proceedings of the *Alabama*, or of any other confederate cruiser.

But, as it is stated in your letter that the *Alabama* was "fitted out and despatched from the port of Liverpool," and as these words imply that you suppose she was fitted out as a vessel-of-war, I have thought it right to ask Mr. Laird how far that statement is borne out by the facts; and I have the honor to enclose, for your information, a copy of a letter which I have received from that gentleman in reply, stating that, from the information he had received, it appears that the *Alabama* was not fitted out at Liverpool as a vessel-of-war. When the United States government assume to hold the government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels-of-war in a foreign port, because such vessels were originally built in a British port, I have to observe that such pretensions are entirely at variance with the principles of international law and with the decisions of American courts of the highest authority; and I have only, in conclusion, to express my hope that you may not be instructed again to put forward claims which her Majesty's government cannot admit to be founded on any grounds of law or justice.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

Mr. John Laird to the British Foreign Office.

BIRKENHEAD, *September 2, 1863.*

SIR: In reply to your letter of the 21st of August, stating that Lord Russell will feel much obliged to me if I can inform him "how far it is true that the *Alabama* was fitted out as a vessel-of-war at Liverpool before she left that port," I request that you will inform his lordship that I am not able, from my own personal observation or knowledge, to reply to his lordship's inquiry, as I did not see the *Alabama* after the first week in July, 1862, being some weeks before she sailed.

In order to obtain for his lordship, from a reliable source, the information he has asked for, I have made inquiries from my successors in business, the firm of Laird Brothers, the builders of the vessel now called the *Alabama*, and I am authorized by them to state that the vessel referred to was delivered by them at the port of Liverpool, and that at the time of delivery she was not fitted out as a vessel-of-war.

They also confirm in every respect the report of Mr. Morgan, the surveyor of customs at Liverpool, dated 30th July, 1862, (ordered by the House of Commons to be printed 24th March, 1863,) in which he states that a strict watch had been kept upon the vessel, and that she left the port without any part of her armament on board.

I am, &c.,

JOHN LAIRD.

Mr. Adams to Lord Russell.

LEGATION OF THE UNITED STATES,
London, September 17, 1863.

MY LORD: I have had the honor to receive your note of the 14th instant, in reply to mine of the 24th ultimo, presenting the claim of Messrs. Upton on account of the destruction of the ship *Nora*, I shall transmit a copy of the same for the consideration of my government, with whom the withdrawal of instructions to me necessarily rests. In the mean time I shall abstain from presenting the papers in another case which have come to hand until further advices.

I cannot but regret that your lordship should have adduced the evidence of Mr. Laird in support of any proposition made to my government. I trust I may be pardoned if I remind you that the statements made heretofore by that person in Parliament respecting their action are not such as are likely to lead to their implicit credence in any relating to his own.

I pray, &c.,

CHARLES FRANCIS ADAMS.

Mr. Seward to Mr. Adams.

No. 714.]

DEPARTMENT OF STATE,
Washington, September 19, 1863.

SIR: Your despatch of the 3d of September (No. 486) has been submitted to the President, and I have the pleasure of informing you that your proceedings therein related in regard to a further representation to Earl Russell on the subject of the iron-clad vessels at Lairds' ship yards are approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 715.]

DEPARTMENT OF STATE,
Washington, September 19, 1863.

SIR: Your despatch of the 3d of September (No. 487) has been received. The President is satisfied with the note of Earl Russell, a copy of which you have transmitted.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 716.]

DEPARTMENT OF STATE,
Washington, September 19, 1863.

SIR: Your despatch of the 4th of September (No. 488) has been submitted to the President. Your proceedings therein mentioned, including the protest you have made against permitting the iron-clads at Lairds' to depart on their destructive errand, are distinctly and unreservedly approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 720.]

DEPARTMENT OF STATE,

Washington, September 22, 1863.

SIR: The opening of the campaign is attended with some embarrassments which, in the excitement of the moment, are likely to be exaggerated. The expedition of General Franklin to Sabine Pass was only one of three designed to re-establish the national authority in Texas. Its repulse may retard, but it is not thought that it endangers, the success of the plan.

Official despatches from the army of the Cumberland have been received of a date so late as two o'clock p. m. of the 21st. They are inexplicit, but their general effect is thought to justify the expectation of our continuing to hold our important positions in Tennessee. Should any later news be seasonably received, I will communicate it by telegraph.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to ministers in Europe.

Mr. Seward to Mr. Adams.

No. 723.]

DEPARTMENT OF STATE,

Washington, September 26, 1863.

SIR: Referring to previous instructions upon similar cases, I enclose a copy of a letter of the 24th instant, and of the memorial which accompanied it, addressed to me by Messrs. N. P. Mann & Co., of Boston, preferring a claim against Great Britain on account of losses accruing to them by the destruction of the American ship Commonwealth, of New York, by the Florida, (so called.) You will be pleased to pursue the course in regard to this claim which may be adopted in regard to the others.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

No 724.]

DEPARTMENT OF STATE,

Washington, September 28, 1863.

SIR: It seems desirable that you should have a correct view of the present military situation. We feel entirely safe in the occupation of New Orleans and the Mississippi. The forces are marching to occupy Texas.

We have a sufficient force in front of this capital, as we suppose, to assure us against aggressive movements of the insurgents in this quarter.

We trust that Rosecrans will be safe in Chattanooga until the large re-enforcements, which are going to him from three points, shall reach him there,

Once at Chattanooga, we think we shall have the principal forces of the insurgents confined and practically harmless within the circle of Georgia and Alabama. Charleston is not neglected.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to other ministers in Europe.

Mr. Seward to Mr. Adams.

No. 725]

DEPARTMENT OF STATE,
Washington, September 28, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of the 8th of September, (No. 492,) together with the correspondence which took place between Earl Russell and yourself on the occasion of the decision of her Majesty's government to prevent the departure of the iron-clad steamships which have been prepared at Liverpool to make war against the United States.

You are already aware of the considerations affecting the safety of our country which make this proceeding eminently gratifying. There are, however, other circumstances which ought not to be overlooked. This government has not been forgetful of the agency of disloyal citizens of the United States in inaugurating the hostile enterprise, and in instigating debates in Parliament and in the press, which have tended to embarrass the British ministry, and aggravate the responsibility which has devolved upon them. The President, therefore, thinks that he apprehends in some degree the firmness and fidelity to just principles which the cabinet of London has exercised. Nor does he for a moment doubt that a sincere desire to cultivate the friendship of the United States has had its proper influence in the determination at which the cabinet has arrived. You will, therefore, specially inform Earl Russell that the government of the United States will hereafter hold itself obliged, with even more care than heretofore, to endeavor to conduct its intercourse with Great Britain in such a manner that the civil war in which we are unhappily engaged shall, when it comes to its end, leave to neither nation any permanent cause of discontent.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 504.]

LEGATION OF THE UNITED STATES,
London, October 1, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered from 702 to 709, inclusive.

The event of the week has been the speech of Earl Russell at Blairgowrie, evidently drawn forth by the report of Mr. Sumner's address at New York. A newspaper report of it was transmitted to you, by Mr. Wilson, in the middle of the week; it shows a marked advance in his lordship's opinions, as well as in his confidence in expressing them.

I am very sure that I have kept generally much within the limit of my instructions. * * * * *

At the same time I may, in some particulars, have insensibly assumed the

offensive rather beyond the line of prudence. As a safeguard, you will perceive that, in my answer, I have left an opening for any modification of tone which it may suit you to adopt.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *September 25, 1863.*

SIR: I have had the honor to receive your letters of the 16th and 17th of September.

As the whole question is under the consideration of her Majesty's government, and the orders given not to permit the iron-clads to leave Liverpool until further inquiry has been made, seem to be sufficient for the purpose of the present moment, I will delay any answer to their letters till the facts have been more fully ascertained.

It is right to inform you that upon receiving assurance, which the Treasury consider satisfactory, that the vessel shall be returned to Birkenhead, the Messrs. Laird have been permitted to make a trial trip with the vessel which is the most advanced.

I can assure you that I am not less anxious than yourself that the duties of neutrality should be performed strictly and impartially by the government of Great Britain.

There are, however, passages in your letter of the 16th, as well as in some of your former ones, which so plainly and repeatedly imply an intimation of hostile proceeding towards Great Britain on the part of the government of the United States, unless steps are taken by her Majesty's government which the law does not authorize, or unless the law, which you consider as insufficient, is altered, that I deem it incumbent upon me, in behalf of her Majesty's government, frankly to state to you that her Majesty's government will not be induced by any such consideration either to overstep the limits of the law, or to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted. They will not shrink from any consequences of such a decision.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 29, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 25th instant. I shall take pleasure in transmitting a copy to my government.

I must pray your lordship's pardon, if I confess myself at a loss to perceive what portions of my late correspondence could justify the implications to which you refer. So far from intimating "hostile proceedings towards Great Britain, unless the law, which I consider as insufficient, is altered," the burden of my argument was to urge a reliance upon the law as sufficient, as well from the past experience of the United States, as from the confidence expressed in it by the most eminent authority in the kingdom. Neither do I find any ground for the other implication. It is very true that I have deeply regretted the supposition

that her Majesty's government should admit itself powerless to execute any of those obligations which are recognized by the consent of civilized nations as well as the faith of treaties to be binding equally upon all, and I have taken the liberty to point out the consequences which follow that inability, in the absolute necessity imposed upon an aggrieved party to defend itself from the worst of injuries. This is the principle which I have been directed to maintain, not from any idea of presenting any form of condition whatever to her Majesty's government, but from a confident expectation that an address to its sense of right may avail to gain for the United States exactly the same measure of justice which it would expect from that country in return, were the respective situations reversed. If, in any respect, I have appeared to transgress the line of argument here laid down, I pray your lordship to consider the fault as one not of intention on my part, and not at all belonging to my government. In transmitting your lordship's note without further comment, I shall hope to be able to submit the question in what degree its sentiments may have been in any particular misinterpreted by me.

I trust that it is unnecessary for me to make any assurances to your lordship of the earnestness with which I have ever striven to maintain to the utmost of my power the relations of amity and good will between the two countries.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 505.]

LEGATION OF THE UNITED STATES,

London, October 1, 1863.

SIR: I have the honor to transmit a copy of my note to Lord Russell of the 29th ultimo, based upon a letter received by me from Mr. Graham, the consul at Cape Town. Inasmuch as he does not positively state that he has forwarded the papers which he has incorporated into it to the department, I send a copy of his letter likewise. I regret that in his correspondence with the authorities he has hazarded one statement which cannot be substantiated—an error to which, I find, officers of that class are rather liable. Apart from this, however, the position he assumes appears to be sound. The case presented is, undoubtedly, of a very grave character. It would seem that Semmes has had the audacity to constitute himself a judge of admiralty, in a court held on his own deck, and there decree what ships are lawful prize. I have contented myself with a brief statement in few words. Thus far no response from Lord Russell has been received at this legation. Should it appear to me not to be satisfactory, I think I shall await your instructions before making a reply.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, September 29, 1863.

MY LORD: I have the honor to transmit the copy of a letter received by me from Mr. Walter Graham, consul of the United States at Cape Town, in rela

tion to certain occurrences, at that place, connected with the armed vessel called the Alabama. Without intending to sustain all the allegations therein contained, I cannot but consider that a sufficient basis of fact exists to support his remonstrance against the recognition of the capture of vessels, which appears to have been, at least, partially made by the authorities at Cape Town. In the absence of special instructions on the subject, I take the liberty simply to present the papers to your lordship's consideration, not doubting the disposition of her Majesty's government to do full justice in the premises.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Graham to Mr. Adams.

[Cape Town correspondence.]

UNITED STATES CONSULATE,
Cape Town, Cape of Good Hope, August 17, 1863.

SIR: The confederate steamer Alabama arrived on this coast on the 27th day of July, having captured six American vessels from the time she left Bahia, Brazil, viz: The Amazonian, Conrad, Gildersleve, Talisman, Anna F. Schmidt, and Express.

On the same day that she arrived on this coast she spoke a small British schooner, named the Rover, which reported her next day at this port, July 28. She was afterwards seen by other vessels on the morning of the 28th, but no intelligence was received here that she had entered any of the ports or bays of this colony until Tuesday, August 4, when the British schooner Atlas reported that she had entered Saldanha bay on the 28th, and was still there, her crew being engaged in painting her. Captain Boyce, of the Atlas, said he was requested by Captain Semmes to take some prisoners to me at Cape Town, but he declined to do so.

On hearing this intelligence I wrote the following letter to the governor, which I carried in person, to request an interview on the subject of which it treated:

UNITED STATES CONSULATE, &c.,
August 4, 1863.

SIR: From reliable information received by me, and which you are, also, doubtless in possession of, a war steamer, called the Alabama, is now in Saldanha bay, being painted, discharging prisoners of war, &c. The vessel in question was built in England to prey upon the commerce of the United States of America, and escaped therefrom while on her trial trip, forfeiting bonds of £20,000, which the British government exacted under the foreign enlistment act. Now, as your government has a treaty of amity and commerce with the United States, and has not recognized the persons in revolt against the United States as a government at all, the vessel alluded to should be at once seized and sent to England, from whence she clandestinely escaped. Assuming that the British government was sincere in exacting the bonds, you have, doubtless, been instructed to send her home to England, where she belongs.

But if, from some oversight, you have not received such instructions, and you decline the responsibility of making the seizure, I would most respectfully protest against the vessel remaining in any port of the colony another day. She has been at Saldanha bay four (six) days already, and a week previously on the

coast, and has forfeited all right to remain an hour longer by this breach of neutrality. Painting a ship does not come under the head of "necessary repairs," and is no proof that she is unseaworthy; and to allow her to visit other ports, after she has set the Queen's proclamation at defiance, would not be regarded as in accordance with the spirit and purpose of that document.

Yours, &c.,

WALTER GRAHAM,
United States Consul.

His Excellency SIR PHILIP WOODHOUSE.

Not finding the governor at home, I left the above letter. Next morning, August 5, I received the following :

COLONIAL OFFICE,
August 5, 1863.

SIR : I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, relative to the Alabama.

His excellency has no instructions, neither has he any authority, to seize or detain that vessel. And he desires me to acquaint you he has received a letter from the commander, dated the 1st instant, stating that repairs were in progress, and as soon as they were completed he intended to go to sea. He further announces his intention of respecting strictly the neutrality of the British government.

The course which Captain Semmes here proposes to take is, in the governor's opinion, in conformity with the instructions he has himself received relative to ships-of-war and privateers belonging to the United States and the States calling themselves the Confederate States of America, visiting British ports. The reports received from Saldanha bay induce the governor to believe that the vessel will leave that harbor as soon as her repairs are completed; but he will, immediately on receiving intelligence to the contrary, take the necessary steps for enforcing the observance of the rules laid down by her Majesty's government.

I have the honor to be, &c.,

L. ADAMSON,
For the Colonial Secretary.

At about two o'clock p. m. on the same day (August 5) it was reported from the signal station of the harbor that the steamer Alabama was standing in, and also an American bark, and shortly after it was signalled that the steamer was standing towards the bark. On hearing this I at once took a cab and proceeded in the direction of Green Point, about two miles from my office, where I witnessed the capture of the bark Sea Bride by the Alabama. I immediately proceeded to the governor's house and told him what I had seen, protesting at the same time against the capture, because it was permitted in British waters. His excellency remarked that the question of infringement of neutral rights would be purely dependent on testimony; but he assured me that, in any event, no breach of neutrality would be permitted, so far as he could prevent it. He concluded the interview by stating that he would immediately telegraph the admiral of the station at Simon's bay to send a war vessel around to this harbor, Table bay, to enforce a strict neutrality, and requested me to put my protest in writing.

At three o'clock I returned to my office, and at four o'clock I despatched the following letter :

UNITED STATES CONSULATE,
Cape Town, August 5, 1863.

SIR : The confederate steamer Alabama has just captured an American bark off Green Point, or about four miles from the nearest land—Robbin island. I

witnessed the capture with my own eyes, as did hundreds of others at the same time. This occurrence, at the entrance of Table bay, and clearly in British waters, is an insult to England, and a grievous injury to a friendly power, the United States. Towards the government of my country and her domestic enemies, the government of England assumes a position of neutrality; and if the neutrality can be infringed with impunity, in this bold and daring manner, the government of the United States will no doubt consider the matter as one requiring immediate explanation. Believing that the occurrence was without your knowledge or expectation, and hoping you will take such steps to redress the outrage as the exigence requires.

I am, sir, &c.,

WALTER GRAHAM,
United States Consul.

His Excellency SIR PHILIP E. WOODHOUSE.

About 5 o'clock his excellency sent for me to the custom-house, and informed me that Captain Semmes desired to land some prisoners, and that he, the governor, would grant permission, provided I would agree to support them. This I consented to do, and the governor then acknowledged the receipt of my letter, and repeated his assurance that no breach of neutrality would be permitted.

Next morning, (Thursday, August 6th,) I received the following:

COLONIAL OFFICE,
August 6, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, respecting the capture of the *Sea Bride* by the *Alabama*, and to acquaint you that he will lose no time in obtaining accurate information as to the circumstances of the capture.

I have the honor, &c.,

RAWSON W. RAWSON,
Colonial Secretary.

About the same time this letter was received, all the prisoners were landed, fifteen of whom were the crew of the *Anna F. Schmidt*, fifteen of the *Express*, and twelve of the *Sea Bride*.

On the afternoon of the same day I despatched the following:

UNITED STATES CONSULATE,
Cape Town, August 6, 1863.

SIR: I have the honor to acknowledge the receipt of your despatch of this date.

I beg now to enclose, for your excellency's perusal, the affidavit of Captain Charles F. White, of the *Sea Bride*, protesting against the capture of the said bark in British waters. The bearings taken by him at the time of capture conclusively show that she was in neutral waters, being about two and a half miles from Robbin island. This statement is doubtless more satisfactory than the testimony of persons who measured the distance by the eye.

I believe that there is no law defining the word coast other than international law. That law has always limited neutral waters to *the fighting distance from land*, which, upon the invention of gunpowder, was extended to a distance of three nautical miles from land on a *straight coast*; and by the same rule, since the invention of Armstrong rifled cannon, to at least six miles.

But all waters enclosed by a line drawn between two promontories or headlands are recognized by all nations as neutral. And England was the first that

adopted the rule calling such waters the "King's Chambers." By referring to Wheaton's Digest, page 234, or any other good work on international law, you will find the above rules laid down and elucidated.

The fact that the prize has not already been burned, and that her fate is still in suspense, is clear proof that Captain Semmes had misgivings as to the legality of the capture, and awaits your excellency's assent. If you decide that the prize was legally taken, you will assume a responsibility which Captain Semmes himself declined to take.

I have the honor, &c.,

WALTER GRAHAM,
United States Consul.

[Enclosure.]

UNITED STATES CONSULATE,
Cape Town, August 6, 1863.

On this 6th day of August, 1863, personally appeared before me, Walter Graham, consul of the United States at Cape Town, Charles F. White, master of the bark *Sea Bride*, of Boston, from New York, and declared on affidavit that on the 3d day of August instant he sighted Table mountain and made for Table bay, but that on the 4th instant, night coming on, he was compelled to stand out. On the 5th instant he again made for the anchorage, and about 2 o'clock p. m. saw a steamer standing towards the bark, which he supposed was the English mail steamer, but on nearing her he found her to be the confederate steamer *Alabama*. He, Captain White, was peremptorily ordered to heave his vessel to as a prize to the *Alabama*. One gun was first fired, and immediately after the demand was made another gun was fired. Two boats were lowered from the *Alabama* and sent on board the bark. The officer in charge of these boats demanded the ship's papers, which the said master was compelled to take on board the said steamer. This happened about a quarter before 3 o'clock. He and his crew were immediately taken from his vessel and placed as prisoners on board the *Alabama*; the officers and crew put in irons. The position of the bark at the time of capture was as follows:

Green Point light-house bearing S. by E.

Robbin Island light-house bearing NE.

The said appearer did further protest against the illegal capture of said vessel, as she was in British waters at the time of capture, according to the bearings.

This done and protested before me, the said consul, the day, month and year above written.

WALTER GRAHAM,
United States Consul.

CHARLES F. WHITE,
Master of Sea Bride.

Next morning, August 7, I received the following:

COLONIAL OFFICE, *August 7, 1863.*

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, enclosing an affidavit made by the master of the *Sea Bride*, and to acquaint you that an inquiry into them is now in progress.

I have the honor, &c.,

RAWSON W. RAWSON,
Colonial Secretary.

On the same day I sent to the governor the following:

UNITED STATES CONSULATE,
Cape Town, August 7, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date enclosing an affidavit made by the master of the Sea Bride, and to acquaint you that an inquiry into them is now in progress.

I have, &c.,

RAWSON W. RAWSON,
Colonial Secretary.

On the same day I sent to the governor the following:

UNITED STATES CONSULATE,
Cape Town, August 7, 1863.

SIR: Understanding from your letter of this date, received this morning, that the case of the Sea Bride is still pending, I enclose the affidavit of the first officer of that vessel, the cook and steward, which I hope will throw additional light on the subject.

From the affidavit of the first officer it appears that the alleged prize was brought within one and a half miles of Green Point light-house yesterday at one o'clock p. m. Now as the vessel was at that time, in charge of a prize crew, it was a violation of neutrality, as much as if the capture had been made at the same distance from land. Pending your decision of the case, I would most respectfully suggest that the prize crew on board of the Sea Bride be removed, and that the vessel be put in charge of a crew from her Majesty's ship Valorous.

I have the honor,

WALTER GRAHAM,
United States Consul.

The enclosures of the above letter gave the bearings of the ship at the time mentioned, which were as follows:

Robbin island NE. by N. $\frac{1}{2}$ N.

Green Point light-house SW. $\frac{1}{2}$ W.

The steward also testified that orders were given to burn the Sea Bride at 2 o'clock a. m. on the 6th, which were afterwards countermanded when all was ready.

On Friday I learned, unofficially, that testimony had been taken that day before a clerk of the peace in Cape Town in relation to the capture of the Sea Bride, and that the testimony consisted of statements as to the distance from land estimated by persons on land at the time of capture, and that the testimony of Captain White and others, of the Sea Bride and of the Alabama, was thrown out or not taken.

On Saturday at 4 o'clock p. m. I received the following letter:

COLONIAL OFFICE, *August 8, 1863.*

SIR: With reference to the correspondence that has passed relative to the capture by the confederate steamer Alabama of the bark Sea Bride, I am directed by the governor to acquaint you that, on the best information he has been enabled to procure, he has come to the conclusion that the capture cannot be held to be illegal or in violation of the neutrality of the British government by reason of the distance from land at which it took place.

His excellency will, by next mail, make a full report of the case to her Majesty's government.

I have the honor, &c.,

RAWSON W. RAWSON,
Colonial Secretary.

On Monday morning I despatched the following :

UNITED STATES CONSULATE,
Cape Town, August 10, 1863.

SIR : Your decision in the case of the Sea Bride was duly received at 4 o'clock p. m. on Saturday. In communicating that decision you simply announce that the vessel was, in your opinion, and according to evidence before you, a legal prize to the Alabama, but you omit to state the principle of international law that governed your decision, and neglect to furnish me with the evidence relied upon by you. Under these circumstances I can neither have the evidence verified or rebutted here, nor am I enabled to transmit it, *as it stands*, to the American minister at London, nor the United States government at Washington. An invitation to be present when the *ex parte* testimony was taken was not extended to me, and I am therefore ignorant of the tenor of it, and cannot distinguish the portion thrown out from that which was accepted. If your decision is that the neutral waters of this colony only extend a distance of three miles from land, the character of that decision would have been aptly illustrated to the people of Cape Town, had an American war vessel appeared on the scene and engaged the Alabama in battle. In such a contest, with cannon carrying a distance of six miles, (three over land,) the crashing buildings in Cape Town would have been an excellent commentary on your decision.

But the decision has been made and cannot be revoked here, so that further comment at present is therefore unnecessary. It can only be reversed by the government you represent, which it probably will be when the United States government shall claim indemnity for the owners of the Sea Bride.

An armed vessel named the Tuscaloosa, claiming to act under the authority of the so-called Confederate States, entered Simon's bay on Saturday, the 8th instant. That vessel was formerly owned by citizens of the United States, and while engaged in lawful commerce was captured as a prize by the Alabama. She was subsequently fitted out with arms by the Alabama, to prey upon the commerce of the United States, and now, without having been condemned as a prize by any admiralty court of any recognized government, she is permitted to enter a neutral port in violation of the Queen's proclamation, with her original cargo on board! Against this proceeding I hereby most emphatically protest; and I claim that the vessel ought to be given up to her lawful owners. The capture of the Sea Bride in neutral waters, together with the case of the Tuscaloosa, also a prize, constitute the latest and best illustration of British neutrality that has yet been given.

I have the honor, &c.,

WALTER GRAHAM,
U. S. Consul.

His Excellency PHILIP E. WOODHOUSE.

On the same day I received the following :

COLONIAL OFFICE,
August 10, 1863.

SIR : I am directed by the governor to acknowledge the receipt of your letter of this date, and to state, with reference to that part of it which relates to the Tuscaloosa, that his excellency is still in correspondence with the commander-in-chief, respecting the character of that vessel, and the privileges to which she is entitled.

I have the honor, &c.,

RAWSON W. RAWSON,
Colonial Secretary.

I did not reply to the foregoing until Wednesday, the 12th instant, when I sent the following:

UNITED STATES CONSULATE,
Cape Town, August 12, 1863.

SIR: Upon receiving your last communication to me, dated the 10th instant, I deemed it simply a report of progress on one subject treated of in my last letter to your excellency, and I have, therefore, waited anxiously for the receipt of another letter from the colonial secretary, communicating the final result in the case. Failing to receive it, and hearing yesterday p. m. that the Tuscaloosa would proceed to sea from Simon's bay to-day, I applied for an injunction from the supreme court to prevent the vessel sailing, before I had an opportunity of showing by witnesses that she is owned in Philadelphia, in the United States; that her true name is the Conrad; that she has never been condemned as a prize by any legally constituted admiralty court; and that I am *ex officio* the legal agent of the owners, underwriters, and all others concerned. I have not yet heard the result of that application, and fearing that delay may allow her to escape, I would respectfully urge you to detain her in port until the proper legal steps can be taken.

I am well aware that your government has conceded to the so-called Confederate States the rights of belligerents, and is thereby bound to respect Captain Semmes's commission; but, having refused to recognize the confederacy *as a nation*, and having excluded his captures from all the ports of the British Empire, the captures necessarily revert to their real owners, and are forfeited by Captain Semmes as soon as they enter a British port. •

Hoping to receive an answer to this and the preceding letter as early as possible, and that you will not construe my persistent course throughout this correspondence on neutral rights as importunate, or my remarks as inopportune,

I have the honor, &c.,

WALTER GRAHAM,
U. S. Consul.

Late on the same day I received the following:

COLONIAL OFFICE,
August 12, 1863.

SIR: I am directed by the governor to acknowledge the receipt of your letter of this date, and to acquaint you that it was not until late last evening that his excellency received from the naval commander-in-chief information that the condition of the Tuscaloosa was such as, as his excellency is advised, to entitle her to be regarded as a vessel-of-war.

The governor is not aware, nor do you refer him to the provisions of international law by which captured vessels, as soon as they enter our neutral ports, revert to their real owners, and are forfeited by their captors. But his excellency believes that the claims of contending parties to vessels captured can only be determined in the first instance by the courts of the captor's country.

The governor desires me to add that he cannot offer any objection to the tenor of the correspondence which you have addressed to him on this subject, and that he is very sensible of the courtesy you have exhibited, under such very peculiar circumstances. He gives you credit for acting on a strict sense of duty to your country.

I have the honor, &c.,

RAWSON W. RAWSON.

On the 17th instant, (Monday,) I wrote the following letter:

UNITED STATES CONSULATE,
Cape Town, August 17, 1863.

SIR: I have delayed acknowledging the receipt of your last letter, dated August 12, on account of events transpiring, but which have not yet culminated, so as to form the subject of correspondence.

Your decision that the Tuscaloosa is a vessel-of-war, and by inference a prize, astonishes me, because I do not see the necessary incompatibility. Four guns were taken from on board the Talisman (also a prize) and put on board the Conrad, (Tuscaloosa,) but that transfer did not change the character of either vessel as a prize, for neither of them could cease to be a prize till it had been condemned in an admiralty court of the captor's country, which it is not pretended had been done. The Tuscaloosa, therefore, being a prize, was forbidden to enter Simon's bay by the Queen's proclamation, and should have been ordered off at once, but she was not so ordered. Granting that her Majesty's proclamation affirmed the right of Captain Semmes, as a belligerent, to take and to hold prizes on the high seas, it just as emphatically denies his right to hold them in British ports. Now, if he could not hold them in Simon's bay, who else could hold them except those whose right to hold them was antecedent to his—that is, the owners?

The Tuscaloosa remained in Simon's bay seven days, with her original cargo of skins and wool on board. This cargo, I am informed by those who claimed to know, has been purchased by merchants in Cape Town; and if it should be landed here directly from the prize, or be transferred to other vessels at some secluded harbor on the coast beyond this colony, and brought from there here, the infringement of neutrality will be so palpable and flagrant, that her Majesty's government will probably satisfy the claims of the owners gracefully and at once, and thus remove all cause of complaint. In so doing, it will have to disavow and repudiate the acts of its executive agents here—a result I have done all in my power to prevent.

Greater cause of complaint will exist if the cargo of the Sea Bride is disposed of in the same manner, as I have reason to apprehend it will be, when negotiations are concluded; for, being originally captured in neutral waters, the thin guise of neutrality would be utterly torn into shreds by the sale of her cargo here.

The Georgia, a confederate war steamer, arrived at Simon's bay yesterday, and the Florida, another vessel of the same class, has arrived or is expected hourly at Saldanha bay, where she may remain a week without your knowledge, as the place is very secluded. The Alabama remained here in Table bay nearly four days, and at Simon's bay six days; and as the Tuscaloosa was allowed to remain at Simon's bay seven days, I apprehend that the Georgia and Florida will meet with the same and even greater favors. Under such circumstances further protests from me would seem to be unavailing, and I only put the facts upon record for the benefit of my government, and officials possessed of diplomatic functions.

I have the honor, &c.,

WALTER GRAHAM,
U. S. Consul.

I have not as yet received any answer to the foregoing letter, and I have little else to communicate beyond what is embraced in my correspondence.

The Georgia reports no captures since she left Bahia, Brazil. The Alabama and Tuscaloosa are cruising on this coast, near Table bay.

No American war ships have yet appeared here, but they are anxiously looked for.

Two merchants from this place have gone to Saldanha bay to buy prize cargoes. When they return I will watch their proceedings closely.

A company of speculators offered Captain Semmes £4,000 for the Sea Bride and cargo, and he would have taken it, but he wanted a bond that they would not revert to the enemy. They offered me a large bribe if I would give my authority to have them sold here for the benefit of the underwriters, they asking £7,000 for the ransom, but I refused to give them my authority to sell. This was before Captain Semmes spoke of the bond.

Should anything else occur in connexion with this affair, I will let you know as soon as any mail leaves here.

* * * * *

I have the honor to be, sir, your most obedient servant,

WALTER GRAHAM,

U. S. Consul.

Hon. CHARLES FRANCIS ADAMS,

Minister Plenipotentiary, &c., &c.

Mr. Seward to Mr. Adams.

No. 728.]

DEPARTMENT OF STATE,

Washington, October 5, 1863.

SIR: Referring to my No. 727, of the 30th ultimo, I now enclose a copy of a communication of the 1st instant, addressed to me by J. D. Jones, esq., President of the Atlantic Mutual Insurance Company, of New York, relative to the claim of that company against the British government, on account of losses growing out of the destruction of the American ship "Brilliant," of that port.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 729.]

DEPARTMENT OF STATE,

Washington, October 5, 1863.

SIR: I have had the honor to receive and to submit to the President your despatch of the 17th of September, No. 497, which relates to the iron-clad vessels built at Laird's ship yards for war against the United States, and which is accompanied by a very interesting correspondence that has taken place on that subject between yourself and Earl Russell.

The positions you have taken in this correspondence are approved.

It is indeed a cause of profound concern, that, notwithstanding an engagement which the President has accepted as final, there still remains a doubt whether those vessels will be prevented from coming out, according to the original hostile purposes of the enemies of the United States residing in Great Britain. You have, however, exhausted the argument upon that subject; nor do I perceive that your exposition can be improved or materially re-enforced. Earl Russell remarks, that her Majesty's government having proclaimed neutrality, have in good faith exerted themselves to maintain it. I have not to say now for the first time, that however satisfactory that position may be to the British nation, it does not at all relieve the gravity of the question in the United States. The proclamation of neutrality was a concession of belligerent rights to the insurgents, and was deemed by this government as unnecessary, and in

effect as unfriendly, as it has since proved injurious to this country. The successive preparations of hostile naval expeditions in Great Britain are regarded here as fruits of that injurious proclamation.

Earl Russell adds, that the United States have derived some military supplies from Great Britain, and enlisted many British subjects in their cause. But it can hardly be denied that neither such supplies nor such men would have been necessary, if Great Britain had not, so far as she was concerned, first raised the insurgents to the position of belligerents. Neither the government of Great Britain, nor any other recognized party, has contended, or can contend, that the United States have violated any municipal law, or any treaty, or the law of nations, or even comity towards the British government, in the proceedings by which they have received as merchandise supplies derived from British sources, and have accepted British subjects voluntarily residing in our own country, and voluntarily enlisting as soldiers and seamen in maintaining the cause of the Union. It is hardly necessary to say that the United States stand upon what they think impregnable ground, when they refuse to be derogated, by any act of British government, from their position as a sovereign nation in amity with Great Britain, and placed upon a footing of equality with domestic insurgents, who have risen up in resistance against their authority.

It does not remain for us even to indicate to Great Britain the serious consequences which must ensue, if the iron-clads shall come forth upon their work of destruction. They have been fully revealed to yourself, and you have made them known to Earl Russell, within the restraints which an honest and habitual respect for the government and the people of Great Britain imposes. It seems to me that her Majesty's government might be expected to perceive and appreciate them, even if we were henceforth silent upon the subject. When our unhappy civil war broke out, we distinctly confessed that we knew what great temptations it offered to foreign intervention and aggression, and that in no event could such intervention or aggression be endured. It was apparent that such aggression, if it should come, must travel over the seas, and therefore must be met and encountered, if at all, by maritime resistance. We addressed ourselves to prepare the means of such resistance. We have now a navy, not indeed as ample as we proposed, but yet one which we feel assured is not altogether inadequate to the purposes of self-defence, and it is yet rapidly increasing in men, material, and engines of war. Besides this regular naval force, the President has asked, and Congress has given him, authority to convert the mercantile marine into armed squadrons, by the issue of letters of marque and reprisal. All the world might see, if it would, that the great arm of naval defence has not been thus invigorated for the mere purpose of maintaining a blockade, or enforcing our authority against the insurgents, for practically they have never had an open port, or built and armed, nor could they from their own resources build and arm, a single ship-of-war. Every European statesman who knows anything of our history, or even of the nature of our complex republican institutions, understands full well that we are building a navy not for ulterior, or even immediate foreign war, but for self-defence. Thus, the world is left free to understand that our measures of maritime war are intended to resist maritime aggression, which is constantly threatened from abroad, and even more constantly apprehended at home. That it would be employed for that purpose, if such aggression should be attempted, would seem certain, unless, indeed, there should be reason to suppose that the people do not in this respect approve of the policy, and sympathize with the sentiments, of the executive government. But the resistance of foreign aggression by all the means in our power, and at the hazard, if need be, of the national life itself, is the one point of policy on which the American people seem to be unanimous, and in complete harmony with the President. This is no menace of war to Great Britain; it is simply an assumption of the position of self-defence against a naval enemy, from whatever quarter

he may come. Need I add, that this position is not affected by the character in which the enemy may come, whether under the authority and bearing the flag of a foreign state, or as an unauthorized invader, defying the authority of his own state, while seeking to invade our own. If, then, we shall become engaged with such an enemy, whether he comes from Great Britain, or from France, or from Russia, what must be the limit of our resistance? The law of nations says that the only limit is that which can be defined by ascertaining the magnitude of the public danger.

I do not know that it is necessary, or would be useful, to communicate any part of this paper to Earl Russell. But the President is of opinion that you should be fully apprized of the views of this government, and authorized to use them as you may think proper.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 730.]

DEPARTMENT OF STATE,

Washington, October 6, 1863.

SIR: Your despatch of the 18th of September, No. 500, has been received, together with a copy of the correspondence which has been held by you with Earl Russell on the subject of the claims of the owners of the ship *Nora*, which was destroyed by the war steamer *Alabama*. Earl Russell produces what he pronounces satisfactory evidence that that steamer was not fitted out at Liverpool as a ship-of-war. He then says, that when the United States government assumes to hold the government of Great Britain responsible for the captures made by vessels which may be fitted out as vessels-of-war in a foreign port, because such vessels were originally built in a British port, he, Earl Russell, has to observe that such pretensions are entirely at variance with the principles of international law, and with the decisions of American courts of the highest authority, and he has only, in conclusion, to express his hope that you may not be instructed again to put forward claims which her Majesty's government cannot admit to be founded on any grounds of law or justice.

You refer me to these statements of Earl Russell, and ask for instructions upon the question thus raised.

The United States understand that they are at peace with Great Britain, and that that power is obliged by treaties and international law to refrain, and to restrain its subjects, from making war against the United States. Her Majesty's government probably concur in the legal principle thus asserted. The United States understand the facts in the case of the *Alabama* in a different sense from that which is accepted by Earl Russell. They understand that the *Alabama* is a pirate ship-of-war, roving over the seas capturing, burning, sinking and destroying American vessels, without any lawful authority from the British government or from any other sovereign power, in violation of the law of nations, and contemptuously defying all judicial tribunals equally of Great Britain and all other states. The United States understand that she was purposely built for war against the United States by British subjects in a British port, and prepared there to be armed and equipped with a specified armament adapted to her construction for the very piratical career which she is now pursuing; that her armament and equipment, duly adapted to this ship-of-war and no other, were simultaneously prepared by the same British subjects in a British port, to be placed on board to complete her preparation for that career; that when she was ready and her armament and equipment were equally ready, she was clan-

destinely and by connivance sent by her British holders, and the armament and equipment were at the same time clandestinely sent through the same connivance by the British subjects who had prepared them, to a common port outside of British waters, and there the armament and equipment of the Alabama as a ship-of-war were completed, and she was sent forth on her work of destruction with a crew chiefly of British subjects, enlisted in and proceeding from a British port, in fraud of the laws of Great Britain and in violation of the peace and sovereignty of the United States. The United States understand that the purpose of the building, armament and equipment, and expedition of the vessel, was one single criminal intent, running equally through the building and the equipment and the expedition, and fully completed and executed when the Alabama was finally despatched, and that this intent brought the whole transaction of building, armament and equipment within the lawful jurisdiction of Great Britain, where the main features of the crime were executed. The United States understand that they gave sufficient and adequate notice to the British government, that this wrongful enterprise was begun and was being carried out to its completion; and that upon receiving this notice, her Majesty's government were bound by treaty obligations and by the law of nations to prevent its execution, and that if the diligence which was due had been exercised by the British government, the expedition of the Alabama would have been prevented, and the wrongful enterprise of British subjects would have been defeated. The United States confess that some effort was made by her Majesty's government, but it was put forth too late and was too soon abandoned. Upon these principles of law and these assumptions of fact, the United States do insist, and must continue to insist, that the British government is justly responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the Alabama. I cannot, therefore, instruct you to refrain from presenting the claims which you have now in your hands of the character indicated.

In saying this, however, it is not to be understood that the United States intend to act dogmatically or in a litigious spirit. They are seriously and earnestly desirous to maintain not only peace, but even amity, with Great Britain. They understand how unavoidably grievances have reciprocally arisen out of the divergence of policies which the two countries have adopted in regard to the present insurrection. This government thinks it understands, and in some measure appreciates, the difficulties and embarrassments under which her Majesty's government are laboring, resulting from the pressure of interests and combinations of British subjects calculated to compromise the neutrality which her Majesty has proclaimed, and tending even to involve the two nations in a destructive maritime war. This government confesses very freely, that it does not regard the present hour as one that is entirely favorable to a calm and candid examination of either the facts or the principles involved in such cases as the Alabama. It looks forward to a period when our intestine war shall have ceased, and the interests and passions which it has awakened abroad as well as at home shall have subsided and disappeared. Though indulging a confident belief in the correctness of our positions in regard to the claims in question, and others, we shall be willing at all times hereafter, as well as now, to consider the evidence and the arguments which her Majesty's government may offer, to show that they are invalid, and if we shall not be convinced, there is no fair and just form of conventional arbitrament or reference to which we shall not be willing to submit them. Entertaining these views, the President thinks it proper for you to inform Earl Russell that you must continue to give him notice of claims of the character referred to when they arise, and that you shall propose to furnish him the evidence upon which they rest, as is customary in such cases, in order to guard against ultimate failure of justice. If he shall

decline to receive the evidence, you will cause it to be duly registered and preserved, to be presented when a suitable occasion shall hereafter occur for renewing and urging prosecution of the claims.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 733.]

DEPARTMENT OF STATE,

Washington, October 9, 1863.

SIR: I have received your despatch of the 25th of September, No. 503. While our country by its distractions invites aggression on all sides, it is our difficult task to defeat the intrigues of disloyal emigrants from the United States in the most important courts of Europe. If I seem to confide too much in the explanations which we at any time receive from those courts, I trust that you will not therefore think it either unwise to give or unpleasant to me to receive whatever information you may be able to give to enable me to correct the apparent error. I think it quite probable that there is an inconstancy of policy in some of those quarters which, in some instances, produces demonstrations inconsistent with the expressions which are set down in well considered diplomatic communications. If I am never sure that we shall not have to encounter aggression from certain quarters before we reach the end of this war, I think every day that it is averted witnesses an increase of our ability to meet it, and therefore increases the hope that it may be avoided altogether. For this reason I study the formal expressions which are made to us more carefully than I do the imputed prevailing disposition of the parties by whom they are made.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

BRITISH LEGATION.

Mr. Wise to Mr. Stuart.

PHILADELPHIA, October 18, 1862.

SIR: Adverting to my previous communications respecting the British steamship Bermuda, I now beg leave to inform your excellency that Mr. Coffey, the district attorney, stated in the prize court, on Thursday, the 16th instant, that the Secretary of the Navy had remitted to him the sum of \$120,000, the amount which the United States government have offered for the Bermuda.

My counsel at once reminded the district attorney that he had instructions from his client not to comply with any such arrangement, and that the cause must take its regular judicial course; and Mr. Wheaton, at the same time, notified to Judge Cadwalader his intention, should an adverse decree be pronounced in the Bermuda case, of resisting any application on the part of the United States for a transfer of the vessel, pending an appeal from the decree of the prize court.

I respectfully submit to your excellency that the remittance in question is one of two things: it is either a confirmation of Mr. Davidson's statement rela-

tive to the delivery of the Bermuda to the United States government alleged to have been already made, or it is a most unprecedented proceeding on the part of the Secretary of the Navy in regard to a British vessel not yet the subject of condemnation.

I content myself with acquainting your excellency of the bare fact of the funds having been transmitted, not doubting that the communication will have your excellency's early and considerate attention.

I have, &c., &c.,

HENRY WISE.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
Washington, October 24, 1862.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, and, so far as it relates to the liability of aliens who may have exercised the right of suffrage to military duty in this country, to state, in reply, that no doubt is entertained upon that point by this department. Aliens who exercise that right are considered as citizens of the States where they reside, and as such are within the purview of the law, which requires all such citizens between the ages of eighteen and forty-five, with certain specific exemptions, as liable to be drafted into the militia. A person may be a citizen of a State, and, as such, entitled to vote therein without being a citizen of the United States.

I am, sir, your very obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, October 29, 1862.

MY DEAR SIR: Referring to our conversation of this morning, I beg to state, in order to prevent misapprehension, that the principle which my government expects that you will admit is, that all mail bags, clearly certified to be such, shall be exempt from seizure and visitation, and that some arrangement shall be made for immediately forwarding such bags to their destination in the event of the ship which carries them being detained.

If this principle is admitted, the necessity for discussing the claim, as a matter of strict right, that her Majesty's mails on board a private vessel should be exempted from visitation or detention might be avoided.

I therefore hope that you will allow me to inform Lord Russell that there will be no difference of opinion between the two governments upon the point in question.

I am, with great truth and esteem, my dear sir, your faithful servant,

W. STUART.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, November 1, 1862.

SIR: I have the honor to transmit to you the accompanying copy of the protests of the master, mates, and engineers of the British screw steamer Sum-

beam, which was taken possession of as a prize off Wilmington on the 20th ultimo by the United States blockading vessels State of Georgia and Mystic, showing, in an apparently conclusive manner, that the Sunbeam had met with considerable damage from a hurricane which she encountered in her voyage from Halifax to Matamoras, and that she had been compelled in her distress to make for the nearest shore in search of a port of refuge, being short of both coal and water.

As the United States government has hitherto refused to restore vessels, however captured, until after adjudication by the prize court, it is not my present intention to apply to you for the restitution of the Sunbeam; but I feel obliged to call your attention to the complaints contained in the protest that the Sunbeam was unnecessarily fired into at point-blank range by the State of Georgia with shells whilst stationary, and that, although a great portion of her stores had been lost in the hurricane, no fresh supplies were placed on board for the master and remaining members of the crew, who were brought to New York under charge of the prize crew.

I venture to request that you will have the kindness to cause an inquiry to be made into the circumstances complained of, and to inform me of the result.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

W. STUART.

Hon. W. H. SEWARD, *&c.*, *&c.*, *&c.*

UNITED STATES OF AMERICA.

STATE OF NEW YORK, *ss* :

By this public instrument, be it known to all to whom the same doth or may concern that I, Charles Edwards, a public notary in and for the State of New York by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify that on the day of the date hereof, before me, personally came and appeared Robert Hepburn, captain of the British steamer Sunbeam, who heretofore, and on the seventh day of October instant, noted his protest before me, and now with him came and appear George Cant Mitchell, first mate, John Frazier, second mate, Joseph Teasdale, first engineer, and William Buchanan, second engineer of the said steamer Sunbeam, and they being by me first duly sworn on the holy evangelists of Almighty God, did depose and say: That on the 5th day of August, 1862, the said steamer Sunbeam was and cleared at Liverpool, England; that she was then up and bound for a voyage from Liverpool aforesaid to Halifax, Nova Scotia, and from thence to Matamoras, Mexico, voyage not to exceed nine months; that these appearers were part of her crew, such crew being seventeen, all told; that she set forth on that voyage with these appearers and the rest of the crew on board, and one passenger named Henry Nurse, on the morning of the sixth day of the said August, (1862) with the cargo well and properly stowed, and that at this time the said steamer was tight, staunch and strong; her engines and gear in good, sound and complete order, and she was well found in fuel, and also well and sufficiently victualled and found; that when the said steamer had been out about sixteen days, and on or about the twenty-first or twenty-second day of same August, she experienced a very heavy gale of wind, whereby a considerable quantity of her coal on deck was washed overboard, and the vessel met with a succession of bad winds up to about the time she reached Halifax, which was on Friday, the 5th day of

September, 1862, and there she took in thirty tons of coal and a cord and a half of wood, but did not land any of her cargo. She was consigned in Halifax to the care of Mr. De Wolf; that while so at Halifax her two tanks were filled with twelve hundred gallons of water. She took in one passenger there named Oldfield, for Matamoras; that on the seventh day of said September the said steamer Sunbeam left Halifax for Matamoras, but on the next day, and while on her way, one of the steam ports of her cylinder broke and she had to go back to Halifax, getting there about the eleventh day of said September, (Thursday) and remained there until Monday repairing. She then started again with twenty-four tons of coal on board. When she had been out about nineteen hours the appearer, Chief Engineer Joseph Teasdale, notified this appearer, the master, that the vessel was burning about ten tons of coal a day, whereupon this appearer, the master, ordered that the fires burn out and be made sail on her. This had to be done because there was not coal enough to go on with. The wind was light and variable, and this continued until the eighteenth day of September; got wind from the northeast; this increased toward the evening, the steamer going about eleven knots an hour; at midnight took in the topgallant sails, gaff topsail and mizzen; at this time the vessel was out of sight of land, but must have been in a line a little above the Chesapeake. At about two a. m. of the 19th of September, (civil time,) with barometer 29.80, there was a sudden increase of wind, accompanied by a very heavy rain. This appearer, the master, immediately called all hands on deck to shorten sail, the sea rising very high and cross. All sail furled except balance, reefed mainsail, by which the ship was laid to on the port tack. The gale increased very rapidly, barometer 28.50, with a tumbling, mountainous sea, and the ship rolling very heavily, the main deck full of water, and the sea making a clear breach over the poop, breaking the cabin lights, and filling the cabin full of water—at the same time the wind was blowing a perfect hurricane—the steamer on her beam ends. The sea rolling on deck washed away the gig and every movable thing on deck, bursting the front of the stoke-hole to pieces and washing the coal out of the bunkers, at the same time going under the boilers and filling the engine-room full of water level with the boilers, (barometer 28.20.) The starboard rail of the ship was immersed about four feet under water, (barometer 28.) The long-boat was washed to leeward and bilged in several places. Three guns broke loose, tearing the stays down which supported the side of the ship, and loosening the bolts about the deck and causing the decks to leak. Hurricane still increasing and flying round the compass twice in one hour, the ship laboring heavily and expecting her to go down every minute. As a last resource, this appearer, the master, kept her away with the danger of popping her, that he might get her upright. She paid off a little; these appearers, George Cant Mitchell, first mate, and John Frazier, second mate, immediately knocked the ports out, and she cleared herself for the time of the water. At 9 a. m. the hurricane still raged fearfully, and the steamer rolled gunwale under, taking whole seas on board every time. Not a movable thing left on deck, (barometer 28.10.) At 11 a. m. it became somewhat more moderate. Set close-reefed topsails; it continued moderating until evening, when it dropped to a dead calm. All requisite sail set to steady the ship, but it was of no use, as the sea was still so high and cross. The ship still labored and strained heavily, and it was impossible to get to sound the pumps as the sea was washing from side to side four feet over them. At midnight, the 19th of September, there was less sea, (barometer 29.30.) Pumps were sounded, pumping four hours. Found twenty-one inches in the main hold, ten feet six in the engine-room, and the storeroom was full of water up to the cabin deck, spoiling all the ship's stores, (barometer 29.90.) On the morning of the next day, the 20th, less sea with light baffling winds and heavy rains. Found the bolts which secure the stays of the sides of the ship all loose. The engines were under water and could not be worked. The engi-

neers and fireman busy bailing the engine-room out. The crew engaged bailing the storeroom out. The three guns, before mentioned, were hoisted overboard to lighten the ship. On the next day, the 21st, there was a light breeze from the northeast, and all possible sail set. The breeze continued until the 23d. At this time, off Cape Hatteras, weather commenced to be squally, with heavy rains. Wind from west to southeast, and which continued until the 25th, when the vessel got a strong breeze from the northeast. It blew round to the northwest and continued strong and squally until the morning of the 27th, when it gradually died away. The vessel at this time had only eight tons of coal on board, and but two days' water for the ship's company, and all the provisions or chandlery stores gone, or spoiled, with the exception of beef and bread; and all the stores of the engine-room had been lost, among them seventy gallons of oil, and about three-quarters of a hundred weight of tallow. In this distress and situation, the appearer, Robert Hepburn, master of the said steamer, found it advisable and absolutely necessary to bear up for some port, or get inshore and speak some coaster. In consequence thereof, at 8 p. m., the vessel was steered west by north, and the wind dropping to a calm, the said appearer ordered the steamer up and commenced steaming inshore, sounding as she went along. At 10 p. m., on the said 27th, sounded in nine fathoms; found the chronometer to be out about thirty miles; kept the lead going until she had got into two and a half fathoms water, and which this appearer, the said master, took to be the Fryng Pan shoals; stood off northeast until the vessel got into seven fathoms water. The steamer was then kept north by west. The weather very thick and the night dark, with rain; had been raining all night. There was no fair daylight until about seven in the morning, and even then the weather was very foggy, and objects around could not be distinctly seen; but about five hours and fifteen minutes a beacon and fort were sighted, (which proved to be Wilmington beacon and port,) and the vessel stood directly for the shore. At the same time the report of a gun was heard. The engines were immediately stopped, helm put down, and she was moved down in the direction to which the sound of the gun came, and which proved to be a gun from the United States gunboat State of Georgia; and almost immediately at the same time a Parrott shell came over the steamer and burst to leeward, although, at this time, the steamer was close to the said gunboat. The said fort, which was about three-fourths of a mile off, threw shells, seemingly, at the cruiser, (gunboat,) while the said gunboat continued to shell the steamer Sunbeam, although she was washing and stationary; and when so stationary, and only about forty yards off the said gunboat, such gunboat (State of Georgia) fired a sixty-eight pound eight-inch shell at point-blank range, which burst on board the Sunbeam, cutting ropes, rigging, and chains, but, through remarkable fortune, wounding no one. The commander of the State of Georgia sent two armed boat's crews on board the Sunbeam, the officers of which ordered this appearer, Robert Hepburn, master, to go on board the State of Georgia with his papers, which he did; and when there, was asked by her commander, Armstrong, what he was doing. When this appearer answered that he was going for coal and water; was in distress, and could not go on the voyage to Matamoras without water or coal. Thereupon the said commander said that this said appearer ought to have come down to the cruisers; to which this said appearer, master, truthfully responded that he had not seen them. (They were, however, two gunboats—the said State of Georgia and the Mystic.) The commander of the State of Georgia told this appearer, master, that he should send the Sunbeam to New York, and this appearer could lay his case before his consul; and this said appearer was taken back to his vessel. The commander of the Mystic then came on board the Sunbeam, and opened her hatches, and told this appearer, master, he could have gone under canvas, and also have condensed water; whereas the fact was that the condenser was out of order, and there-

fore, would not make fresh water for the crew. On the 29th of same September, 1862, six of the crew of the Sunbeam were then taken to the State of Georgia, and have never been returned to her, nor brought into the port of New York until yesterday, (the 14th day of October.) And these appearers further say that after the Sunbeam had thus been stayed one day, she was started with a prize crew on board for the port of New York; prior to which, the said State of Georgia put about one hundred gallons of water on board the Sunbeam, but did not put any stores on board for master, mates, engineers, and such of the crew as came on in her; although, in all kindness, it ought to have been done, for the vessel, in the hurricane aforesaid, had lost all her stores of flour, peas, sugar, coffee, and all the bread was damaged. The steward, on the voyage to New York, managed to pick out a little uninjured flour from the inside of barrels, although all the outside of the flour was black; a little cabin bread was found in one of the state-rooms, but it was all mouldy. And on the last day, in coming to New York, they were all reduced to a piece of salt beef and biscuit. And these appearers, Joseph Teasdale and William Buchanan, first and second engineers, say that on Wednesday night, the 1st of October, when the said steamer was coming on to the port of New York, and when in bed, about ten at night, the first master's mate of the prize crew came down and asked this appearer, Teasdale, if he would go and unship the propeller, as they could not get it unshipped, (so as to go under canvas,) and both of these appearers did so; and next morning the chief engineer of the prize crew came for these said two appearers to see whether they would go and assist to lower the propeller, (so that they might steam again,) they, the prize crew, having been about an hour upon and not able to do it. This these said appearers did; and this appearer, the said Joseph Teasdale, further says that on the 1st of October, and while the said steamer was so being brought on to New York, a passenger had expressed to the prize master his anxiety to have the fires put out, and such prize master came and asked this appearer (Teasdale) if he would go and give his engineer advice, as the boilers were salted, and they could not get steam. And this appearer went, looked into the furnaces, and found one of them burnt, which must have been caused by the boiler being short of water during the time that it was in charge of the prize crew. And this appearer reported that he had better blow off immediately if he wished to save the ship and lives on board; for it was not certain, one moment from another, but that the boilers would explode. The prize master asked this appearer to go to his engineer with an order to that effect, which he did, and this was done. After the boilers had been blown off, this said appearer assisted in taking the man-hole doors off; it had to be done under this appearer's advice; and the boilers were pumped up with cold water to cool them down, and then it was run off again empty, and this appearer went in and examined the boilers, and found the furnace crown had dropped down; and went into the furnace and examined it, and found the furnace-plate on the starboard sides cracked in two places, and the plate on the port sides cracked, in one place open about three-eighths of an inch; and this appearer told the said engineer (belonging to the prize crew) that it was not safe to raise steam any more in that boiler, and lighted a fire in the port boiler, but found it would not supply the engine with steam. The consequence of all this damage, which took place while the Sunbeam was in the hands of the prize crew, was that she had to sail all the rest of the way to New York. The furnaces were new in Liverpool, and had sustained no injury up to the time of the vessel's capture.

The steamer Sunbeam arrived in New York and came to anchor near the Brooklyn navy yard at about half past 9 o'clock a. m. of the 4th day of October, 1862; and all these appearers were kept on board until half past 5 p. m. of that day without anything to eat, and then taken to the house of detention in the city of New York. This appearer, the master, first mate, and two passen-

gers, were allowed to come out on the 6th of October, and they were examined on interrogatories, and their answers written down by a prize commissioner; but they were not allowed to see the British consul, nor to go for counsel. These appearers, the first and second engineer, got out of the said house of detention on the 8th of October, and then examined in the same way. These appearers, the second mate and fireman, got out on the 9th of October, and were then likewise examined, while two others of the crew were discharged on the 11th of same October, and then also examined and finally discharged.

And this appearer (Robert Hepburn, master) says he never was in any American port save when he was on the voyage wherein he was seized as aforesaid, while this appearer (George Cant Mitchell, first mate) says he has never been in the United States before.

And this appearer (Joseph Teasdale, first engineer) further says that, on the Saturday on arriving in the port of New York, and while the said steamer Sunbeam was at anchor, she was found to be making water, and he was asked by the prize master's mate to find out the reason, which he did, ascertaining it to be caused by one of the sea casks being left open; and this must have occurred while the vessel was in charge of the prize crew. And this appearer went down and shut it; and if this had not been done as soon as it was, the ship would in all probability have foundered.

Wherefore the said Robert Hepburn, master, has requested me to protest, and I, the said notary, at such his request, have protested, and by these presents do publicly and solemnly protest against all and every government officers, official agent, acting on behalf of the United States of America, and all and every person and persons whom it doth or may concern, and against all and singular the wrongs, hostile conduct, imprisonment, and circumstances, already set forth in the foregoing declaration on oath, for all manner of losses, costs, damages, reprisal, demurrage, charges, expenses, and injuries, whatsoever, which the said steamer Sunbeam, her tackle, apparel, and furniture or cargo, and the freight by her earned, or to be earned, or either or any of them, or any part thereof, have already sustained, or may hereafter sustain, by reason or means of the foregoing premises.

Whereof an attestation being required, I have granted this under my notarial form and seal.

Done in the city of New York, in the said State of New York, the fifteenth day of October, in the year of our Lord one thousand eight hundred and sixty-two.

In præmissorem fidem.

CHARLES EDWARDS.

ROBERT HEPBURN,
 GEORGE C. MITCHELL,
 JOHN X FRAZER, his mark,
 JOSEPH TEASDALE,
 WILLIAM BUCHANAN.

Mr. Stuart to Mr. Seward.

WASHINGTON, November 3, 1862.

SIR: I have received despatches from her Majesty's acting consul at Philadelphia, reporting to me the detention of the British barque Rowena at that port, when about to sail for the Havana, by orders from the Secretary of the Treasury, and of the imprisonment of her master, Captain John Sherwin, in Fort Delaware. Mr. Cramp states that Captain Sherwin purchased the Rowena at Philadelphia, transferred her to the British flag, and chartered her for the

Havana; that, on his repairing to the custom-house for a clearance, after he had taken his cargo on board, he was informed by the collector of customs that instructions had been received to detain his ship, and that on the following day, October 25, he was arrested and sent to Fort Delaware.

As it appears that the collector of customs in taking these steps simply obeyed instructions, in ignorance of the motives for which they were issued, I have the honor to request that you will be good enough to make me acquainted with the circumstances which led to the imprisonment of Captain Sherwin, and to the detention of his vessel.

I avail myself of this opportunity to renew to you the assurance of my highest consideration,

W. STUART.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Mr. Stuart.

Mr. Seward presents his compliments to Mr. Stuart, and, with reference to his private note of the 29th ultimo relative to the exemption of her Britannic Majesty's mail bags, on board of private vessels, from visitation or detention, has the honor to enclose herewith a copy of a letter which has since been addressed by this department to the Secretary of the Navy on the subject.

DEPARTMENT OF STATE,

Washington, November 3, 1862.

Mr. Seward to Mr. Welles.

DEPARTMENT OF STATE,

Washington, October 31, 1862.

SIR: It is thought expedient that instructions be given to the blockading and naval officers that in case of capture of merchant vessels suspected or proved to be vessels of the insurgents, or contraband, the public mails of any friendly or neutral power, duly certified or authenticated as such, shall not be searched or opened, but be put as speedily as may be convenient on the way to their designated destinations.* This instruction, however, will not be deemed to protect simulated mails verified by forged certificates or counterfeited seals.

I have the honor to be, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. GIDEON WELLES,

Secretary of the Navy.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, November 3, 1862.

SIR: I have the honor to acknowledge the receipt of your note of the 1st instant, with accompanying protest relative to the capture of the British steamer Sunbeam by United States blockading vessels off Wilmington, North Carolina, and to inform you in reply that the Secretary of the Navy has been requested to make an inquiry into the alleged acts of malfeasance, and a neglect on the part of the capturing vessels.

I have the honor to be, sir, your very obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, November 6, 1862.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, requesting to be made acquainted with the circumstances which led to the detention of the British bark Rowena at Philadelphia, and to the imprisonment of her master, Captain John Sherwin, in Fort Delaware.

In reply, I have the honor to inform you that a copy of your note has been sent to Major L. C. Turner, associate judge advocate, with a view to an inquiry into the case being set on foot, the result of which, when ascertained, will be communicated to you.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, November 9, 1862.

SIR: With reference to the note which I had the honor to address to you on the 1st instant, and to your answer of the 3d instant relative to the capture of the British steamer Sunbeam, I have now the honor to enclose a copy of a further protest relating to that capture, and to call your attention to that part of it which states that efforts were made by the master and executive officer of the United States cruiser State of Georgia to induce the six persons belonging to the crew of the Sunbeam, whose names are attached to the protest, to enlist in the naval or military service of the United States.

I trust that you will be so good as to cause instructions to be issued to prevent the exercise of any similar pressure in future upon British subjects who may be found on board vessels captured for any alleged intention to violate the blockade.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

W. STUART.

Hon. Wm. H. SEWARD, &c., &c.

UNITED STATES OF AMERICA,

State of New York, ss:

By this public instrument be it known to all to whom the same doth or may concern, that I, Charles Edwards, a public notary in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, and in and by the said letters patent invested "with full power and authority to attest deeds, wills, codicils, agreements, and other instruments in writing, and to administer any oath or oaths to any person or persons," do hereby certify that on the day of the date hereof, before me personally came and appeared John Kidd, William Caldwell, George Gregg, John McClelland, James Fraser, and Frances Patten, forming part of the crew of the British steamer

Sunbeam, and they being by me duly sworn on the Holy Evangelists of Almighty God, did depose and say: that these appearers, George Gregg, John McClelland, James Fraser, and Francis Patten, were seamen, and these appearers, John Kidd and William Caldwell, were firemen, on board the Sunbeam, bound from Liverpool to Matamoras; that they shipped at Liverpool for the voyage to Halifax, and thence to Matamoras; that on the morning of the 19th day of September last (1862) the said steamer encountered a furious hurricane, which swept the decks fore and aft, filled the engine-room with water on a level with the deck, washed the boats overboard, with the exception of the long-boat, which was torn from the main hatch and stove in several places; filled the cabins and store-room with water, and destroyed the ship's provisions, and expecting every moment that the steamer would go down—the ship lying on her beam ends, and refusing to right herself—the coal was washed out of the bunkers, and only three inches of fresh water in the tanks. These appearers, as portions of the crew, requested the captain (Hepburn) to make for the nearest land, being in fear of loss of life. The said master consented to this, and bore up for the nearest land, hoping to speak some ship or coaster and obtain relief; that on the 27th day of the said September, the wind being so light and variable that the vessel had made but little way, and having but about twelve hours' coal in the bunkers, and believing that the steamer Sunbeam was about seventy miles from the nearest land, her master ordered all steam to be made, and stood right in shore. At 10 p. m. found the water shoaling rapidly from nine to two and a half fathoms, and the vessel laid off until daylight, and at break of day on the morning of the 28th of September, when going under easy steam, not more than four knots an hour, the vessel found herself near the shore, and under the guns of two American cruisers, who fired four shots at the Sunbeam and boarded her, claiming her as a prize. All these appearers were severed from the rest of the crew by being taken on board the United States cruiser State of Georgia, (being one of the two cruisers before referred to,) while the Sunbeam was sent on with a prize crew to New York. These appearers were all continued to be detained on board the State of Georgia until she reached the city of Washington, which she did on the 11th day of October instant, (1862,) when all these appearers were cast on shore at Washington, penniless and friendless. The crew of the State of Georgia, seeing and pitying the position of these appearers, subscribed among themselves, and handed to these appearers a small sum of money, for which they felt deeply grateful, and with this, and by selling the best part of their few effects, these appearers managed to raise sufficient to carry them to New York, so that they might join the rest of the crew, there carried in with the Sunbeam; that on their arrival in New York these appearers went to the British consul, who sent them to a boarding-house. These appearers desire to say that while they were on board the State of Georgia they were treated by her crew with every kindness; but when put ashore on the Saturday night, the 11th of October instant, at 6 p. m., not knowing where to turn, every inducement was held out by acting master and ex-officer Rogers, of the said State of Georgia, to induce these appearers to join the American navy, or the military forces, but which they, as British subjects, strenuously opposed, preferring to take the protection of the British flag, and suffer any privation rather than do so; that under the circumstances before mentioned, these appearers have been obliged to sacrifice and dispose of the best part of their personal effects, and thrown upon the streets of New York friendless and destitute.

And these appearers protest against such harsh conduct, and respectfully claim all reasonable compensation and satisfaction therefor.

Wherefore I, the said notary, at the request of the said appearers, do protest against all and every wrong and grievance aforesaid suffered by them, and claim for them all and every restitution, compensation, damages, and wages on account

thereof. Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done in the city of New York, in the said State of New York, the seventeenth day of October, in the year of our Lord one thousand eight hundred and sixty-two.

In prœmissorem fidem.

CHARLES EDWARDS.

JOHN KIDD.

WILLIAM CALDWELL.

GEORGE ^{his} + GREGG.
mark.

JOHN ^{his} + McCLELLAND.
mark.

JAMES FRASER.

FRANCIS ^{his} + PATTEN.
mark.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, November 11, 1862.

SIR: Referring to my reply to your note of the 3d instant, requesting to be made acquainted with the circumstances which led to the detention of the British bark Rowena at Philadelphia, and to the imprisonment of her master, Captain John Sherwen, in Fort Delaware, I now have the honor to inform you that the War Department on the 10th ultimo was advised officially, and by verified statements, that a schooner, called the Dixie, Captain Sherwen, master, sailed from Philadelphia under English colors, for Havana. That the Dixie passed the revenue cutter and reported no passengers, and then stopped at Ready island and took on board as passengers five men for Nassau. That said five passengers were disloyal men, and notorious insurgents, who had been secreted for some two weeks on said island, at the house of a Mr. Price, awaiting the arrival of the Dixie, on which they had engaged passage at \$100 each, thereby to escape from the loyal States and join the insurgents—all which was well known to Captain Sherwin, and their escape effected in collusion with him. That on the 7th of September Captain Sherwen, fearing the Dixie might be overhauled by the United States cruisers, transferred the five disloyal passengers to a Bahama wrecking vessel, paying the master thereof \$65 to land them at Nassau. The Dixie proceeded to Havana, where she was sold by Captain Sherwen for \$4,300; and he returned to Philadelphia and purchased another vessel, called the Rowena, loaded her with potatoes, meal, cheese, matches, bran, flour, &c., ostensibly for St. Christopher, West Indies, but, it is believed, with the real design of conveying her cargo to the insurgents, and on the 22d ultimo the War Department was advised of this fact, and of his readiness to leave the port.

The above facts were communicated to the Secretary of the Treasury, who, on the 22d of October, pursuant to the provisions of the act of Congress of the 20th of May last, and the regulations for carrying the same into effect, ordered the collector of the port of Philadelphia to refuse clearance to the "Rowena" till further order; and on the next day, October 23, the War Department ordered the arrest of Captain John Sherwin, to be held in custody at Fort Delaware till further order.

When Captain Sherwin was arrested, papers were found in his possession fully

establishing his complicity in the fraudulent, clandestine, and illegal practice of conveying notorious rebel sympathizers and abettors as passengers on his vessel, with the intent of enabling them to join the rebels.

The War Department has also additional proofs obtained since his arrest, which enlarge the extent of the captain's illegal practices. The investigation is still in progress.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, November 11, 1862.

SIR: The instruction of the 16th ultimo from the British Foreign Office, in relation to the case of Mr. Francis Carroll, which you recently left at this department, and which is herewith returned to you, having been communicated to Major L. C. Turner, associate judge advocate, I now have the honor to enclose to you a copy of his reply. It will be seen that an order has been issued by the War Department for Mr. Carroll's discharge, in conformity with the terms suggested by this government, and acceded to by that of her Britannic Majesty.

I have the honour to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

WAR DEPARTMENT,

Washington City, D. C., November 8, 1862.

SIR: I have the honor to enclose copy of the order issued by this department for the discharge of Francis Carroll, (a British subject,) from Fort Lafayette, upon his compliance with the conditions in said order stated; which conditions are in conformity with the "terms" suggested by this government, and to which her Britannic Majesty's government accedes.

I have transmitted the order for the discharge of Francis Carroll to the United States marshal in New York, that he may superintend its proper execution.

I enclose, also, herewith the instructions from the British Foreign Office, as requested.

I have the honor to be, sir, very respectfully, your obedient servant,

L. C. TURNER,
Judge Advocate.

Hon. WILLIAM H. SEWARD,
Secretary of State.

WAR DEPARTMENT,

Washington City, D. C., November 8, 1862.

SIR: You are hereby directed to discharge from custody Francis Carroll, a British subject, upon his agreeing to leave the United States immediately, and not return again during the continuance of the present rebellious war, and

giving security, to the approval of the United States marshal, (Murray,) that he will perform and keep said agreement; or, upon his giving sufficient guaranty, to be approved by the said United States marshal, for his good conduct as a resident of the United States, and that he will do no act, by word or deed, to aid and encourage the rebels or the rebellion.

By order of the Secretary of War:

L. C. TURNER,
Judge Advocate.

Colonel MARTIN BURKE,
Commanding at Fort Lafayette.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
Washington, November 12, 1862.

SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, which relates to the case of certain seamen captured on board of the British steamer the Sunbeam, in her attempt to violate the blockade.

Those seamen, in the protest which accompanies your note, say that while they were in this city friendless and penniless, every inducement was held out to them by Acting Master and Executive Officer Rogers, of the United States cruiser Georgia, to join the American navy or the military forces of the United States, which inducements they strenuously opposed, preferring rather protection and, if unavoidable, privations under the British flag.

Upon this statement you request me to cause instructions to be issued to prevent the exercise of any similar pressure upon British subjects who may be captured for any alleged intention to violate the blockade.

Having taken the President's directions upon the subject, I have now to reply, that the case, as presented by the seamen, does not seem to me to warrant the complaint that a pressure of any kind was made upon the seamen of the Sunbeam. The term "every inducement" is, indeed, very vague. But it certainly does not comprehend duress, force, menace, intimidation, bribery, falsehood, or even deceitful representations. The seamen are understood to have been freemen, without occupation except the unlawful and forbidden one which had just then failed them. They were needy, and it seems to me that they could well have complained of severity and harshness if, being disposed, they had been refused permission to enter into the service of the United States.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

Hon. WILLIAM H. STUART, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 13, 1862.

MY LORD: With reference to the papers in the case of the Labuan, which were recently left at this department by Mr. Stuart, I have the honor to say to you that the Secretary of the Treasury has already given the instructions which were deemed proper with regard to that vessel.

I have the honor to be, with high consideration, your lordship's obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

[Extract]

DEPARTMENT OF STATE,

Washington, November 13, 1861.

MY LORD: I have instituted an inquiry into the case of John J. Shafer, or Shafer, as the same person is sometimes called, and I learn, upon satisfactory and even conclusive evidence, that he has been engaged in conveying revolvers and other articles contraband of war to the insurgents, and at the same time acting as a spy in their behalf. At present, therefore, he cannot be released.

* * * * *

I have the honor to be, with high consideration, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 14, 1861.

MY LORD: I have your lordship's note of November 12th, concerning the case of John J. Shafer. Under the belief that Mr. Shafer was a citizen of the United States, I at one time directed that he should be released on taking an oath of allegiance to the United States, for the reason that the police authorities who had induced his arrest had not then shown any sufficient cause for it. Mr. Shafer declined to take the oath. But before that fact became known to me, information had been received of the grounds of his arrest; upon considering which, I decided that his release, at present, would not be compatible with the public safety.

Insomuch as Mr. Archibald thinks that the delay of Mr. Shafer's letter to him in this department requires explanation, I regret that I am unable to give any other than the simple one, that the delay resulted, so far as I know, from a pressure of business in this department. I regret that the delay was unavoidable.

Having made Mr. Shafer's case the subject in part of a communication to your lordship yesterday, I am not aware that I have anything to say upon it now beyond this reply to your note which is before me.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 24, 1862.

SIR: Her Majesty's government have received from the governor of the colony of Bermuda, and from her Majesty's military and naval officers, reports of the proceedings of Rear-Admiral Wilkes, of the United States navy, during a visit which he made to that colony at the beginning of last month; and her Majesty's government have, in consequence, directed me to make the following representation to the government of the United States.

It appears to her Majesty's government to be clear, from the statements made in the reports referred to, not only that there is much ill-feeling towards British authorities on the part of Rear-Admiral Wilkes, but that he is resolved to try

the patience of those authorities to the utmost, while keeping, as he conceives, within the limits to which he calculates their forbearance will extend.

The first ground of complaint, however, which her Majesty's government are disposed to press upon the attention of the government of the United States, is—

1. That Rear-Admiral Wilkes ordered the vessels under his command to anchor in such a position as to control the movements of ships desiring to enter or to depart from the port of Bermuda, and maintained a system of cruising in the neutral waters of Bermuda, in excess of his rights as a belligerent, which are thus defined by Lord Stowell in the case of the *Anna*, (5 Rob., p. 385): "Captors must understand that they are not to station themselves at the mouth of a neutral river for the purpose of exercising the rights of war from that river, much less in the very river itself." And again: "The captors appear by their own description to have been standing off and on, obtaining information at the Balize, overhauling vessels in their course down the river, and making the river as much subservient to the purposes of war, as if it had been a river of their own country. This is an inconvenience which the States of America are called upon to resist, and which this court is bound on every principle to discourage and correct."

2. The second ground of complaint is, that Rear-Admiral Wilkes offensively and unlawfully placed sentinels on British territory.

3. The third ground is, that Rear-Admiral Wilkes contemptuously evaded the orders of her Majesty in regard to the supplies of coal which vessels of the belligerent parties might obtain in a British port. He also, in a letter to the governor of Bermuda, referring to the governor's expression, "*I have to instruct you that the vessel [the Tioga] cannot be permitted to return within these waters,*" replied in these terms, "*This I cannot permit; my government alone has the power of instructing me.*" This appears like a defiance of the proper authority of the governor, who is bound to carry out the rule by which vessels, having coaled, cannot return again to the same port for three months. The government of the United States cannot have intended that the governor was to be obstructed in the performance of his duties, but the words of Rear-Admiral Wilkes seem to imply that he meant to attempt it.

On these several points I am ordered to address a strong remonstrance to the government of the United States; and I am directed to express the regret of her Majesty's government that Rear-Admiral Wilkes, who treats with contempt the lawful orders issued by the duly instigated authorities of the British crown, should have been appointed to a command in which he could not fail to be brought into contact with those authorities.

I am further commanded to urge the government of the United States to issue such orders to Rear-Admiral Wilkes as shall restrain him from a repetition of the conduct of which her Majesty's government complain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 24, 1862.

MY LORD: Your lordship's note of this date, which prefers, in the name of your government, certain complaints of injurious and offensive conduct and deportment on the part of Acting Rear-Admiral Wilkes in his command of the Gulf squadron, has been submitted to the President.

Those complaints will be promptly made known to the Secretary of the Navy, and the Acting Rear-Admiral's proceedings on the occasion referred to will be thoroughly investigated, with a fixed purpose of securing a faithful observance by Acting Rear-Admiral Wilkes of the law of nations, and of the courtesy due to the government and the authorities of Great Britain.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 24, 1862.

SIR: Her Majesty's government, having had under their consideration the note which you did Mr. Stuart the honor to address him, on the 30th of September last, relative to the capture of the British steamer Orion by the United States cruiser Quaker City, have directed me to state to you that they are of opinion that the Orion was, in the first instance, seized without any color of justification. From the seizer's statement, it appears that the cargo on board the Orion was innocent, her destination neutral, her ownership British. The seizer says that the Orion "had on board an assorted cargo, *doubtless* intended for rebel uses." Upon this plea every vessel that swims the ocean, and does not belong to the United States, may be captured. The seizer does not seem to have been aware, nor to have been subsequently apprized by the authorities of his country, that a suspicion in the mind of the captor, unsupported by any evidence on board the ship, does not, according to international law, justify seizure. It is said, indeed, that, after the seizure, the master of the Orion, when on board the captor's ship, made confessions as to a previous voyage of the captured vessel, affecting her character; but her Majesty's government can find nothing which would take off the illegality of her capture even if the alleged confessions, made under such circumstances, were worthy of credit.

Her Majesty's government have, consequently, directed me to make known to you the forgoing representations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD,

Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 24, 1862.

MY LORD: I have the honor to acknowledge the reception of your lordship's note in regard to the Orion.

I cannot subscribe to the correctness of the views of her Majesty's government on that subject as presented in your note. Your government infers from the statement of the captain that the cargo was innocent, her destination neutral, and her ownership British.

On the contrary, I understand the captor as claiming that the cargo, although innocent as to material, was rendered contraband by the purpose of the captain to consign it to the insurgents; that her destination to Matamoras was only an

ostensible one, while her real one was an insurgent port; that her ownership, instead of being British, was insurgent; and that her register was a fraudulent one.

I do not say that the captor's statement proves these facts, or that they are otherwise established. I present them as the conclusions of the captor, which I derive from his report. The captor presents in his report some evidence which goes to sustain his views as I assume them. Those proofs seem to me to be more than a mere suspicion of his, and I think they justify the bringing of the vessel into port for adjudication. The opinion of her Majesty's government is pertinent to the question to be decided, and I shall very cheerfully transmit it to the district attorney of the United States, and instruct that officer to submit the same to the admiralty court for its consideration.

I have the honor to be, with high consideration, your lordship's humble servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 26, 1862

MY LORD: Adverting to Mr. Stuart's note to this department of the 1st instant relative to the capture of the British steamer Sunbeam by the United States blockading vessels State of Georgia and Mystic, off Wilmington, North Carolina, and my reply, I have the honor to enclose herewith the copy of a communication of yesterday from the Secretary of the Navy, on the subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

NAVY DEPARTMENT, *November 25, 1862.*

SIR: I had the honor to receive your letter of the 3d instant, enclosing one, with accompanying papers, addressed to you by Mr. Stuart, her Britannic Majesty's chargé d'affaires, in reference to the capture of the steamer Sunbeam, and called upon Commander Armstrong for an explanation in the case. Copies of his report, dated the 15th instant, and accompanying statements, are herewith transmitted.

I am, respectfully, your obedient servant,

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

[Forwarded by A. A. Harwood, Commandant.]

UNITED STATES STEAMER STATE OF GEORGIA,

Washington Navy Yard, November 13, 1862.

SIR: Your communication of November 13th has been received. In reply, I have the honor to state that "the complaints contained in the protest, that the Sunbeam was unnecessarily fired into at point-blank range by the State of Georgia with shells, whilst stationary, and that, although a great portion

of her stores had been lost in the hurricane, no fresh supplies were placed on board for the master and remaining members of the crew, who were brought to New York under the charge of the prize crew," are not founded in fact.

The Sunbeam was captured by this ship, the Mystic being in company, on the morning of the 28th of September last, while endeavoring to run the blockade.

The enclosed extract from the log-book of this ship shows that the Sunbeam did not stop when a leeward gun was fired, but kept on until a shell was fired over her, and that even after she had rounded to, she backed in towards the fort until a shell fired astern of her caused her to stop. Those were the only three guns fired.

I enclose copies of an order given on the 28th of September to examine the Sunbeam, and the report of the officers ordered on this duty. This report and the certificate of Acting Master Folsom show there was no want of stores for whole number of persons sent in her to New York.

I am informed that no examination has been had of the prize officers sent in charge of the Sunbeam; I have no doubt their evidence will fully disprove the statement contained in the protest referred to.

Sir, I have the honor to be, very respectfully, your obedient servant,
 JAS. F. ARMSTRONG,
Commander, commanding.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

[Forwarded by Andrew A. Harwood, Commandant.]

WASHINGTON NAVY YARD, *November 15, 1862.*

SIR: In answer to your question as to the sufficiencies of supplies and stores on board the Sunbeam, I have the honor to state that on her arrival in New York there was sufficient to have enabled her to keep the sea for at least one week longer. Supplies were furnished the Sunbeam for twenty-two men for ten days, and I was four days and a half in making the passage.

Very respectfully, your obedient servant,
 CHARLES FOLSOM,
Acting Master.

Commander JAMES F. ARMSTRONG,
Commanding U. S. Steamer State of Georgia, Washington, D. C.

[Forwarded by Andrew A. Harwood, Commandant.]

UNITED STATES STEAMER STATE OF GEORGIA,
Off New Inlet, North Carolina, September 28, 1862.

GENTLEMEN: Proceed on board the steamer Sunbeam and make an examination of her hull, engine, and general condition. You will furnish me with a report in writing of the circumstances attending her running the blockade.

Very respectfully,
 JAMES F. ARMSTRONG,
Commander, commanding.

Lieutenant Commander H. N. T. ARNOLD,
Commanding United States Steamer Mystic.

Acting Master CHARLES FOLSOM,
United States Steamer State of Georgia.

Acting Third Assistant Engineer JACOB D. RODGERS,
United States Steamer State of Georgia.

UNITED STATES STEAMER STATE OF GEORGIA,
Off New Inlet, N. C., September 28, 1862.

SIR: In obedience to your order of this date, we have visited the English steamer Sunbeam and made a careful examination of her. So far as we can ascertain, there is nothing in her condition which rendered it necessary to approach this port. She is well found in every particular, so far as masts, sails, rigging, water, and provisions are concerned, and being a sailing vessel with a screw auxiliary, we can see no reason for her being in this locality. She was captured under the guns of Fort Fisher while endeavoring to run the blockade.

Very respectfully, your obedient servants,

H. N. T. ARNOLD,

Lieutenant Commander.

CHARLES FOLSOM,

Acting Master.

JACOB D. RODGERS,

Acting 3d Assistant Engineer.

Commander JAMES F. ARMSTRONG,

Commanding United States Steamer State of Georgia.

[Forwarded by Andrew A. Harwood, Commandant.]

UNITED STATES STEAMER STATE OF GEORGIA,
Off New Inlet, Cape Fear River, September 28, 1862.

(Extract from log, September 28, 1862, 4 to 8.)

At 5.45 seen a sail to the southwest; hove up anchor, and at 5.55 started ahead and ran in towards the channel; made signal to Mystic 503; discovered the strange sail was a steamer; made signal to Mystic 1106; called all hands. At 6.10 beat to quarters and fired a gun to leeward. Steamer flying English colors; a long, low steamer; bark-rigged, with boats. Made signal No. 5 to the Mystic. Steamer not stopping, fired a shell from our pivot gun over her, which caused her to round to, the fort firing at us. At 6.28 strange steamer backing rapidly towards the fort inshore; fired a shell astern of her, when she stopped. At 6.30 armed first and second cutters, and boarded the chase, Fort Fisher still firing upon us; several shells passing over the ships. Stood out, followed by the Mystic and strange steamer. At 7.50 anchored, fort bearing west by north-half-north; Baldhead light-house southwest by west-three-fourths west; south point of Smith's island southwest-half-south, in $9\frac{1}{2}$ fathoms water, and veered to 30 fathoms chain.

I certify that the above is a true copy of the remarks for the watch from 4 to 8 on the log-book of this ship.

A. D. LITTLEFIELD,
Acting Master.

Lord Lyons to Mr. Seward.

WASHINGTON, November 27, 1862.

SIR: Mr. Stuart did not fail to communicate to her Majesty's government the note which you did him the honor to address to him on the 14th of last month, and in which you stated certain reasons which induced the government of the United States to decline, for the moment, to issue to commanders of United States vessels the instructions contemplated by the treaty of the 7th of April

last for their guidance in carrying out the stipulations of that treaty for the suppression of the slave trade.

The principal reason for omitting to issue the instructions appears to be an apprehension that they would restrict the more extended right of search, which the commanders of United States vessels now exercise as belligerents. And it seems to be believed that the objects of the treaty may be, in great measure, attained by the exercise of this belligerent right of search in lieu of the special right of search provided for by the treaty.

I am, however, instructed by her Majesty's Principal Secretary of State for Foreign Affairs to take an opportunity of representing to you, that although United States cruisers may search by virtue of their belligerent rights, yet they cannot, by virtue of these rights, detain or send in for adjudication any neutral vessel not breaking blockade; in short, that they cannot give effect to the stipulations of the treaty unless they have such warrants and instructions as are prescribed by it.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *November 29, 1862.*

SIR: Mr. Wilkins, her Majesty's consul at Chicago, has forwarded to me copies of correspondence, from which it appears that the governor of Wisconsin has referred to your decision the claims to exemption from compulsory military service put forward by native-born British subjects in that State, who have declared their intention to become citizens of the United States, and have voted at the State elections, but who have not become actual citizens of the United States. I am anxious, therefore, to direct your attention, without delay, to some considerations bearing upon this class of claims. I am aware that you have already expressed an opinion on the question in a note which you did Mr. Stuart the honor to write to him, on the 24th of last month. I am, nevertheless, confident that you will be ready to allow all due weight to the arguments adduced by claimants in the State of Wisconsin, as well as in other States in which the laws are similar, in support of their demand for exemption.

The claimants maintain that in the States in which they reside, the law permits them to vote at elections while still continuing to be aliens. They deny that by the exercise of this right of suffrage they become citizens of such States, and declare, on the contrary, that the law not ceasing to regard them as aliens, denies them several of the privileges of citizens; as, for instance, in the State of Illinois, that of holding civil or military office; in the State of Wisconsin, that of serving on juries. They allege, moreover, that the federal Constitution and the federal laws recognize no citizenship of a State which is not at the same time a citizenship of the United States, and they quote, in support of this position, Article IV, Section II, of the Constitution, which provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens of the several States." They affirm that the power of naturalization is exclusively in the federal government; that the power has been exercised by the enactment of statutes prescribing the conditions on which and the proceedings by which an alien is converted into a citizen, and that without these he remains an alien for all intents and purposes of federal legislation. They assert that they

have voted under a State law not purporting to naturalize them, but conferring the privilege of voting, *notwithstanding* alienage, and that this proves nothing; but that the particular State, for reasons of policy, has thought proper to pass such a law, and that they have availed themselves of it, without professing to relinquish their alien States.

Finally, the claimants maintain that the United States government does not regard them as citizens, nor extend to them protection as such; that, consequently, they are still aliens to the United States, and entitled to claim the protection of their original sovereign; that they are not admitted to the full privileges of citizens, and consequently are not to be subjected to the peculiar burdens of citizenship.

Having thus laid before you a summary of the principal arguments adduced by these claimants, I venture again to recommend the matter to your early attention. Mr. Wilkins informs me that the claimants in the State of Wisconsin have been ordered to report at once to the camp of rendezvous, and there await your decision. I am, moreover, beset with applications from men drafted, or apprehensive of being drafted, in other States, who claim exemption on similar grounds.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 3, 1862.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 29th of November last, which relates to the subject of the liability to draft of aliens, who, although not naturalized, have exercised the elective franchise, and I shall with pleasure give just consideration to the views you have presented when I come to the examination of cases in which they practically arise.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 5, 1862.

MY LORD: I have received from the Secretary of the Navy some reports which were made to him by Acting Rear-Admiral Wilkes, concerning his proceedings on the visit made by him at Bermuda in the months of September and October last. Although these papers were written before your complaints against that officer were submitted, and, of course, without any knowledge on his part of such complaints, yet the reports are sufficient to enable me to make what I trust will be a satisfactory answer to portions of your communication of the 24th of last November.

One of the representations which you have made is that Acting Rear-Admiral

Wilkes, on the occasion referred to, ordered the vessels under his command to anchor in such a position as to control the movements of ships desiring to enter or to depart from the port of Bermuda, and maintained a system of cruising in the neutral waters of Bermuda in excess of his rights as a belligerent.

A second complaint is, that he officiously and unlawfully placed sentinels on British territory.

The reports before me are silent on the subjects thus presented, and indicate no apprehension on the part of Acting Rear-Admiral Wilkes of any such complaints. It has, therefore, been necessary to communicate them to him, and demand his explanations. A consideration of these two complaints is consequently reserved until such explanations shall have been received.

A third complaint is, that Acting Rear-Admiral Wilkes contemptuously evaded the orders of her Majesty in regard to the supplies of coal which vessels of belligerent parties might obtain in a British port; and also that in a letter to the governor of Bermuda, referring to the governor's expression, "I have to instruct you that the vessel [the *Tioga*] cannot be permitted to return within these waters," Acting Rear-Admiral Wilkes replied in these terms: "This I cannot permit. My government has alone the power of instructing me." Your lordship says this appears like a defiance of the proper authority of the governor, who is bound to carry out the rule by which vessels, having coaled, cannot return again to the same port for three months. You add, that the government of the United States cannot have intended that the governor was to be obstructed in the performance of his duties, but the words of Acting Rear-Admiral Wilkes seem to imply that he meant to attempt it.

You have understood the views of this government correctly. It holds that no foreign government or its agents can exercise or assume any independent or sovereign authority, whatever, in another country with which it is at peace. Nor can it lawfully or properly resist or evade any laws, orders, or rules, which the government of the country, whose protection or hospitality is temporarily enjoyed, has established there. Nor can the visitor lawfully or properly treat with contempt, or even disrespect or discourtesy, the authorities of the government by whom such laws, orders, or rules are enforced. If Acting Rear-Admiral Wilkes had done either of these things, or manifested or indicated a disposition to do so, his proceedings would have been promptly denounced, and he would have been visited with punishment according to the aggravation of the case.

But the correspondence which took place between the governor and Acting Rear-Admiral Wilkes has been examined into so far as we are informed of the case.

The Acting Rear-Admiral acted frankly and directly, and in exact conformity to the orders to which you have referred. Some misunderstanding does indeed seem to have arisen between himself and the governor about his proceedings in this respect. But the misunderstanding seems to have an accidental result of honest differences of apprehension or remembrance of statements made by the one party to the other. This government does not think it necessary to question, and does not question, the correctness or accuracy of the statements made by the governor, and, on the other hand, finds in the papers before it satisfactory evidence that while Acting Rear-Admiral Wilkes acted and spoke, throughout the transaction, in perfect good faith towards the governor and the British authorities, his understanding of the facts is not perceived to have been erroneous.

On the first of October, the governor addressed to Acting Rear-Admiral Wilkes a letter which contained the following passage: "The gunboat *Tioga* having completed her necessary supplies of coal, and gone outside to cruise, it is my duty to enforce in her case the provisions of the rules laid down by her Britannic Majesty, an extract from which I had the honor to enclose in my communication of the 27th of September, and I have to instruct you that this vessel cannot be permitted to return within these waters."

In the letter of Acting Rear-Admiral Wilkes, written in reply to the governor's communication, he says, with regard to the topic in question, "In carefully perusing your despatch of to-day, I cannot avoid being struck with some of its peculiar expressions: one of them—'I have to instruct you that this vessel (the *Tioga*) cannot be permitted to return within these waters.' This I cannot permit. My government has alone the power of instructing me. The *Tioga* left this morning to cruise, and she has not yet infringed upon any of her Majesty's rules. It would therefore appear that the remarks in your despatch relative to her are entirely uncalculated."

It was the right, and it may even be admitted that it was the duty, of the governor to acquaint Acting Rear-Admiral Wilkes with the rule to which you have referred, and of the purpose of the governor to maintain it in administration. But this duty was to be performed in a manner respectful to the United States and courteous towards the acting rear-admiral. It may be doubted whether it would be proper in such a case to imply a distrust without grounds of the good disposition of the officer, or to apply an assumption of superiority over that officer.

I think it is clearly to be inferred from the reply of Acting Rear-Admiral Wilkes that he excepted not to the information which was given to him by the governor, but to the words in which it was expressed; and that not only did he not purpose to disregard the orders in question, but he manifested his purpose to comply with them in all respects. He is an officer amenable to the United States, obliged to receive and obey in every case commands which are known in naval service by the word "instructions." Wherever he goes this obligation rests upon him, in foreign countries as well as at home. Instruction is given by a master, and no man can serve two authorities of that character. He obeys the laws of Great Britain when in the British empire, because he is instructed to do so by his own government. The word "instruct" has this literal meaning in every department of government. I receive instructions from the President, you receive instructions from her Majesty; just as Acting Rear-Admiral Wilkes receives instructions from the President, and his excellency the governor of Bermuda receives instructions from the Queen. Consequently, we mutually and always avoid the use of the word "instruct" on every occasion when we desire to inform each other of laws, rules, decisions, or opinions of our respective governments. I think that you have never instructed me in regard to the purposes of her Majesty's government, and I am sure that I have never instructed you concerning the decisions of my own government. While I do not for a moment suppose that the governor of Bermuda used the word "instruct" with a disrespectful meaning, I must be allowed to think that it was so interpreted by Acting Rear-Admiral Wilkes, more especially when it was taken in connexion with the two facts, that notice of the rules involved had been previously given to the acting rear-admiral by the governor, and that the *Tioga* had already departed from the port. As I do not suppose that her Majesty's government would tolerate the governor in using an expression that would be designedly disrespectful to the government of the United States, I trust that this explanation of the sense in which Acting Rear-Admiral Wilkes's expressions are understood by this government will be satisfactory.

Your lordship further informs me that it appears clear to your government, from statements which they have received, that not only is there much ill feeling towards British authorities on the part of Acting Rear-Admiral Wilkes, but that he is resolved to try the patience of those authorities to the utmost, while keeping, as he conceives, within the limits to which he calculates their forbearance will extend.

You have not given me the statements upon which those opinions of her Majesty's government are founded, and I cannot, therefore, undertake to say that those statements, uncontradicted or unexplained, do not warrant the conclu-

sions thus presented to me. Nevertheless, I am able to say, in reply, that however consistently the conclusions may have been drawn from the statements presented by the British government, they are believed to be entirely erroneous. This government finds in the reports made by the acting rear-admiral to the Secretary of the Navy abundant evidence that the feelings of the acting rear-admiral are altogether just and liberal towards the British authorities, and respectful and cordial towards the British government, and that he is resolved to perform his duty not only in strict conformity to the laws of nations, but with the highest comity and courtesy towards the British government, its authorities, and subjects.

He as well as all the naval officers have received from the Navy Department the most ample and the most precise instructions to conform his proceedings to those principles; and if there shall appear in the further examinations of the complaints, or on any other occasion, any evidence of his departure from these principles, the government will at once apply the proper remedy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 9, 1862.*

SIR: Her Majesty's government having had under their consideration the letter to the Secretary of the Navy, dated 31st of October last, of which you were so good as to send a copy to Mr. Stuart on the 3d of last month, have seen with great satisfaction that you have requested the Secretary of the Navy to issue instructions to the United States naval officers not to search or open the public mails of any neutral or friendly power found on board of captured vessels, but to send such mails to their destination as quickly as may be.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 10, 1862.

MY LORD: I have the honor to acknowledge the receipt of your note of the 8th instant, relative to the oath required of foreigners applying for passes to go beyond the military lines at Nashville, in Tennessee.

In reply, I have the honor to state that I differ with your lordship in supposing that the oath referred to, in the form required, would imply the least renunciation of the rights and duties to their own sovereign of those British subjects who might wish for passes. Those rights and duties can only be voluntarily and expressly relinquished in this country under any circumstances. The oath is merely a measure of military precaution, usual and necessary at such a juncture. It is but temporary and local, also, in its application. Any

express reservation of the allegiance of British subjects to their natural sovereign would rather seem to me to imply a right on our part to claim that renunciation, a claim which is not advanced by this government.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 10, 1862.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 9th instant, in which, in behalf of her Majesty's government, you present a claim for reparation of damages and injuries to persons who, as you inform me, are British owners and British subjects, in the destruction of the steamer *Blanche*, as is represented, by a United States war steamer in the waters of Cuba. I have to regret that, through some accidental cause not yet disclosed, this government has received no reports or other information from its own agents of the material facts belonging to the case which you have thus presented. It has, however, adopted very direct and special means to obtain that information without further delay.

In the mean time I may properly inform your lordship that her Catholic Majesty's government has heretofore addressed a claim to this government for redress and reparation in the same case, upon the assumption that a violation of the law of nations and sovereignty of Spain was committed by the United States vessel on that occasion, which claim involves a claim for redress to all the parties as British subjects in whose behalf you have now addressed me. For the greater satisfaction of your government upon the subject, I take the liberty to give you a copy of that Spanish claim, together with copies of the several notes relating to the affair, which I have had the honor to address to the minister from Spain. You will learn from those papers that the President has engaged that the claims of Spain shall be fully investigated, and that if they shall be found to sustain the representations she has made, they will be promptly and fully redressed. I have no hesitation in saying to your lordship that this engagement was intended to cover the claims of British owners and others if, upon the investigation which has been instituted, the representations in that respect heretofore made by the Spanish government, and now made by yourself, shall be sustained. I have as little hesitation in making, on behalf of the President, the same engagement to yourself in regard to the latter claims.

You will please inform me, at your convenience, whether, in regard to the British claims, it is the desire of your government that any discussion which may become necessary shall be conducted with yourself directly, or whether it shall be conducted, as heretofore, with the minister from Spain. The United States are not less desirous than Great Britain that the whole case shall be adjusted according to the settled principles of international law and the comity of nations.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 10, 1862.*

SIR: On the 19th of March last I had the honor, by command of her Majesty's government, to ask the government of the United States for compensation for Mr. John Carville Stovin, respecting whose arrest and imprisonment I had previously been in correspondence with you.

I venture to call your attention again to this matter, as I have received a letter from Mr. Stovin stating that he is still suffering most serious inconvenience from the consequences of his imprisonment.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WM. H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, *December 12, 1862.*

MY LORD: I have the honor to acknowledge the receipt of your note of the 10th instant, relative to the cases of Michael Mehan, Robert Hargrave, and other persons, natives of her Britannic Majesty's dominions, who have been drafted into the militia of the State of Wisconsin, which has been called into the service of the United States.

The designation of persons who shall serve in the militia of one of the United States, or exercise the elective franchise therein under some restrictions, is essentially a function for the authorities of the State itself to discharge. Militia service has been required of the individuals referred to on grounds which it must be presumed were deemed sufficient by the authorities of Wisconsin to consider them as citizens of that State, especially as it is understood that they have voted at the State and federal elections. The elective franchise is a high privilege, which is liberally extended in this country to persons from abroad, but cannot be expected to have been conferred or to be enjoyed without corresponding obligations on the part of those who may accept and exercise it. So far as the executive authority of the United States is concerned, no foreigner who has not been naturalized, or who has not exercised the right of suffrage, has hitherto been required to serve in the militia. This is considered to be a fair rule, and must, under existing circumstances, govern the cases referred to in your note, and any others which may affect British subjects.

Pursuant to your request, the marriage certificate of Mr. Hargrave is herewith returned.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, *December 12, 1862.*

Mr. Seward presents his compliments to Lord Lyons, and has the honor to enclose herewith a copy of a letter of this date from the War Department in relation to the British steamer Labuan.

WAR DEPARTMENT,
Washington, December 12, 1862.

SIR: The Secretary of War has had the honor to receive your note of yesterday, touching the longer detention of the steamer Labuan, and I am instructed to say that the Secretary of the Treasury has been formally advised that this department has now no objection to the immediate clearance and departure of that vessel.

I have the honor to be your obedient servant,

C. P. WOLCOTT,
Assistant Secretary of War.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, December 16, 1862.

MY LORD: At the instance of the Secretary of the Navy, to whom it has been referred, I have the honor to communicate an extract from a despatch of the 23d ultimo, addressed to this department by Mr. Whiting, late United States consul at Nassau. From this paper it appears that Captain Malcolm, of her Britannic Majesty's ship Barracouta, threatened to fire upon United States war vessels which should anchor in the waters of Nassau without the governor's permission. With a view to obviate the obvious consequences of a proceeding of that character, it is hoped that all proper instructions will be given to commanders of her Majesty's vessels in that quarter. The Navy Department has issued stringent orders to United States naval commanders scrupulously to respect the sovereign territorial rights and all local regulations in her Britannic Majesty's possessions.

I have the honor to be your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

[Extract referred to in the above note]

Captain Malcolm also stated that a pilot, named Lloyd, who had gone off to the flag-ship, had told him that when he informed the admiral that he could not anchor without first obtaining the governor's permission to do so, the admiral or executive officer of the flag-ship had replied that he should anchor if he saw fit, without reference to the governor's permission.

Captain Malcolm further said that he considered it due to me that he should inform me of his determination, if either the United States vessels should anchor off this port without the governor's permission, he should fire on them at once, and that he had put his ship in readiness before leaving her to come on shore.

I suggested that a drunken Bahama pilot's dictum was not the best authority in the world, and would hardly warrant a resort to extremities, in which Captain Malcolm concurred.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 19, 1862.*

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, enclosing a copy of a report addressed to you by the United States consul at Leeds, with regard to a statement, without names or dates, made in his office by a gentleman, whose name is not given, concerning mail-bags alleged to have been found on board a vessel captured for breach of blockade. I will forward copies of your note and its enclosure to her Majesty's government.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *Sec., Sec., Sec.*

Lord Lyons to Mr. Seward.

WASHINGTON, *December 19, 1862.*

SIR: I have had the honor to receive your note of the 16th instant, enclosing a copy of a report made by Mr. Whiting, late United States consul at Nassau, of a conversation with Captain Malcolm, of her Majesty's ship Barracouta.

I will forward copies of your note and its enclosure to her Majesty's government, and to the commander-in-chief of her Majesty's naval forces on the North American or West Indian station.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *December 20, 1862.*

SIR: In a note which you did Mr. Stuart the honor to write to him on the 23d of October last, you were so good as to say that the case of the British schooner Will-of-the-wisp should be taken into early consideration. One of the members of the firm of Salter & Twining, of Halifax, called upon me the day before yesterday, and informed me that the interests of the firm were suffering from the delay in bringing the case to a settlement. I venture, therefore to press upon the immediate attention of the government of the United States the representation concerning the Will-of-the-wisp, which was addressed to you by Mr. Stuart on the 20th October last, in pursuance of instructions from her Majesty's government.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 22, 1862.

MY LORD: I have the honor to acknowledge the receipt of your note of the 20th instant, relative to the case of the British schooner *Will-of-the-wisp*. The previous note of Mr. Stuart and the accompanying papers to which you refer were also duly received, but as the latter are quite voluminous, it has hitherto been impracticable to give the subject such an examination as would warrant the expression of a definitive opinion in regard to the claim for costs and damages. I will at this time, therefore, limit myself to the expression of surprise that if the claimants were dissatisfied with the decree of the court at Key West they should have neglected to appeal to a higher judicial tribunal of the United States for redress. Technically, this government might consider that neglect as conclusive in regard to the claim; but as negotiations for a general convention on the subject of claims are pending between the two governments, if, as is hoped, they should result favorably, the claimants will have an opportunity to present their claim to the board of commissioners, for which it is presumed the convention will provide.

I avail myself of the occasion to offer to your lordship a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c.*, *&c.*, *&c.*

Lord Lyons to Mr. Seward.

WASHINGTON, December 29, 1862.

SIR: At the request of Vice-Admiral Sir Alexander Milne, commander-in-chief of her Majesty's naval forces on the North American and West India stations, I beg leave to call the attention of the government of the United States to a proceeding which appears to be at variance with the rule of courtesy usually observed towards each other by the naval officers of friendly powers.

It appears that a United States man-of-war, bearing, it is believed, the flag of Rear-Admiral Wilkes, would not communicate with a boat belonging to her Majesty's ship *Barracouta*, which approached her with the British ensign displayed, close to the entrance of a British port in the Bahama islands.

The copy, which I have the honor to enclose, of a despatch from Sir Alexander Milne will make you acquainted with the particulars of the affair.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, *&c.*, *&c.*, *&c.*

Vice-Admiral Milne to Lord Lyons.

NILE, AT NASSAU, December 16, 1862.

MY LORD: I have the honor to transmit to your excellency the following extract of a letter, received from Commander Malcolm, of her Majesty's ship *Barracouta*, dated the 24th ultimo, who has been the senior officer at Nassau since October last:

"On the 20th instant two United States men-of-war were perceived to the westward, steaming along close to the shore of New Providence. As they neared we observed one was a screw bark-rigged vessel, bearing a rear-admi-

ral's flag, and the other a paddle-wheel vessel. The former carried the flag of Rear-Admiral Wilkes, and, I believe, was the Wachusett.

"A boat from this ship, with her ensign up, was sent out to board her. Lieutenant Cochrane tells me that when the boat got about one hundred yards off, though there were a number of officers on the poop, or stern gratings, looking at the boat, they steamed quietly to the eastward, within half a mile of Hog island, with just sufficient steam to allow the boat to keep up to them, and then made sail and stood away to the northward.

"The vessel was boarded by a pilot from this place, named Lloyd, who informed me that the flag-officer was Rear-Admiral Wilkes, and that the admiral had asked him to land a Bahama pilot, whom they had on board. This information was given to the governor in my presence."

This want of the usual courtesy on the part of an officer in command of a foreign ship-of-war, in refusing communication with a boat of a British ship-of-war, close to the entrance of a British port, is so unusual, and so entirely at variance with the custom in such cases, that I feel it to be my duty to submit it to your excellency's consideration whether the subject should not be brought to the notice of the higher authorities of the United States government. Such a proceeding on the part of any officer under my command, of refusing to communicate with the boat having her colors flying of a ship-of-war of the nation off whose port the ship may have been then passing, would receive my severe censure.

ALEX. MILNE,

Vice-Admiral, and Commander-in-Chief.

LORD LYONS, J. C. B., &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, December 29, 1862.

SIR: I have the honor to lay before you copies of a despatch, and of a report enclosed in it, which I have received from Vice-Admiral Sir Alexander Milne, commander-in-chief of her Majesty's naval forces in the North American and West India station.

The admiral informs me that it has been represented to him that the commanders of the vessels-of-war of the United States, in the neighborhood of the Bahama islands, have disregarded the regulations of her Majesty's government, with regard to the use of belligerents of British waters, and he suggests that the attention of the naval officers should be called by their own government to these regulations.

Intelligence has also been communicated to the admiral, from which it would seem that there is reason to fear that in one instance, at least, a United States cruiser has even exercised belligerent rights within the Queen's dominions. You will see that, if the statements in the enclosed papers be correct, a schooner, the Elias Reed, has been captured within her Majesty's territorial jurisdiction.

The regulations of her Majesty's government with regard to the use of British waters by belligerents are well known to you. They were published in the official London Gazette of the 31st of January last, and the attention of the United States minister in London was specially called to them by her Majesty's principal secretary of state for foreign affairs in a note dated the 25th of last March. I am confident that the government of the United States will be anxious to check all transgressions of them by its naval officers.

Nor do I doubt that, if the facts in the case of the Elias Reed be such as they are represented to be, the government of the United States will be prompt to offer ample satisfaction to her Majesty's government for the violation of British

territory, as well as to make due compensation for any private losses which may have been caused by the unlawful capture.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Vice-Admiral Milne to Lord Lyons.

NILE, AT NASSAU, December 16, 1862.

MY LORD: I forward to your lordship the following extracts of a despatch, from Commander Malcolm, dated November 24, 1862, respecting the proceedings of the United States cruisers on the coasts of the Bahama islands.

A letter dated November 10, written by J. Brown, a police magistrate at Green Turtle cay, to the governor, Mr. Bayley, states "the schooner Elias Reed, from Georgia, loaded with turpentine, had been captured by the United States cruiser Octorora, Commander Collins, in some position not clearly defined, to the eastward of a line drawn from Fish cay and the nearest point of Little Abaco, and to the westward of Turtle cay.

"It appears that the United States vessels Octorora, Commander Collins, and Sonoma, Commander Stevens, came on the Little Bahama bank, and were seen on the 5th November by the Mary Mankin, John Roberts, master, between Seal cay and Stranger's cay. The schooner Elias Reed was seen on the same day near Fish cay, going to the eastward. On the 6th November the Octorora was seen near Seal cay, with the Elias Reed as a prize. Mr. J. Nibbs Brown had an interview, at Green Turtle cay, with the United States commanders, Collins and Stevens. The former said the Elias Reed had been captured out of British waters, and said he was going to the eastward, through the narrow channel, in order to see the remains of the wreck of the Adirondack, on Elbow reefs.

"I believe it is the intention of his excellency the governor to report the proceedings of Rear-Admiral Wilkes and Commander Collins to the home government."

And on the same subject I transmit the copy of a representation addressed to his excellency C. J. Bayley, the governor of the Bahamas, from the police magistrate of Abaco. It is, no doubt, a well-established fact, from information that has been conveyed to me, that the vessels-of-war of the United States are in the habit of disregarding the instructions of her Majesty's government, and make use of, and anchor in, the ports, roadsteads, and waters of the Bahama islands without the leave of the governor, and not from stress of weather; and, as will be seen by Mr. Brown's statement, they have even illegally exercised belligerent rights within the limits of her Majesty's dominions, by the capture of the schooner Elias Reed. This case appears to be so clear a violation of neutral territory that I submit for your excellency's consideration, should you see fit to put forth any claim on behalf of her owner, or to bring to the notice of the United States government the irregularities on the part of the United States cruisers, in using the cays within her Majesty's territories, in contravention of Earl Russell's letter of instructions of the 31st of January, 1862, of which it would, however, appear that the United States cruisers have not been officially informed by their own government.

Further, I enclose copies of two notes on the subject, which have been just handed to me by Governor Bayley.

ALEX. MILNE,

Vice-Admiral, and Commander-in-Chief.

LORD LYONS.

Mr. Brown to Mr. Nesbitt.

GREEN TURTLE CAY,
Abaco, November 15, 1862.

SIR: With reference to the communication which I had the honor to address to you on the 11th instant, forwarding the statement in writing made before me on the 10th instant by Mr. John Roberts, an inhabitant of this island, relating to the capture of a schooner in these waters, on the 5th instant, by one of the United States vessels-of-war, I beg leave further to state, for the information of his excellency, the governor, that the said statement had been substantially verified by the admission of Commander Collins, of the United States steam war ship Octorora, which vessel, accompanied by the Sonoma, Commander Stevens, another United States vessel-of-war, steamed up along the northern coast of Great Abaco, in the forenoon of yesterday, and came to in this roadstead.

Both vessels having hoisted the national flag on approaching this port, I caused the British ensign to be hoisted on the government flag-staff, and proceeded alongside the Octorora, and accompanied by Mr. Joseph Saunders, the collector of revenue at this port; and we were politely invited on board, and conducted into the cabin of the commander.

I informed him that the object of my visit was to learn the cause of their having called here, as I conceived it could only be justified by circumstances of distress. He stated that he had not been induced to do so by positive distress, as he only required a few articles of provisions for the use of the officers, but that he was desirous of proceeding through the cays in order to inspect the condition of the United States war ship Adirondack, lately wrecked off Man-of-war cay. I represented to him the dismantled state of that vessel, and informed him that the remains of the hulk and materials had been sold at Nassau, and were now the property of a merchant there. He thanked me for the information.

I mentioned to him the nature of the report made to me by Mr. Roberts, regarding the capture of a schooner within our waters by a vessel similar to the Octorora. He frankly admitted the fact of the capture of the Octorora, and stated the schooner to be the Elias Reed, of eighty-four tons burden, from Georgia, laden with turpentine and other articles, and that she had been sent to Key West for adjudication. He, however, questioned the statement as to the capture having been made in the Bahama waters, and observed that he did not conceive that their war vessels were restricted from traversing the several extensive banks of the Bahamas, and capturing thereon any vessels found in nefarious traffic, as regards the blockade. I informed him that that was a broad question which I was not prepared to discuss, but that the capture of vessels within these cays, as was the case in respect to the schooner Elias Reed, was obviously illegal, and in violation of the instructions of his government, as expressed in a letter addressed by Mr. Secretary Seward to Mr. Secretary Welles, and which I placed before him, as copied in the Nassau Guardian newspapers of the 22d ultimo. He read the letter with evident emotion, but stated that he did not take the same view as myself with regard to the limits of our coast, and that if I were correct he had wrongly interpreted the law.

I expressed my conviction that the marine league must be properly computed from the northern shore of the respective cays, running from Sandy cay up to the Elbow, (or Little Guave cay,) and that the schooner in question had been captured in the white water, within Albert cay, and contiguous to the northern shore of Little Abaco. He expressed his regret, if I were right in my view, declaring it to be very remote from his wish or intention to contravene any law or perform any act offensive to my government.

I inquired of him whether the small schooner Trici, belonging to these islands,

had not been captured in the Bahama waters. He replied, certainly not; but on the coast of Florida. He stated that if the presence of two ships in the roadstead was deemed improper, that they would leave forthwith. I expressed my apprehension that it was contrary to the injunction contained in a proclamation issued by the governor in conformity with the Queen's instructions, but that I would inform him positively, on reference thereto, as soon as I returned on shore, as I did not happen to have a copy with me. He said he had intended to call on me on shore, and if there was no objection to his landing he would do so, and wait upon me. I invited him to do so and he followed me on shore, accompanied by Commander Stevens, and proceeded directly to my residence, where I placed a printed copy of the proclamation into his hand, and called his attention to the first item, or paragraph which contains my instructions. On reading it he arose and declared his intention to leave immediately. I informed him that they were at liberty to purchase any fruit or vegetables that they might require, and which they did in about half an hour, and left the roadstead, proceeding eastward along the northern shore of Great Abaco, passing between the cays "No-name" and Whale cays.

The weather became somewhat boisterous, the wind blowing steadily from the northeast. The *Sonoma* returned shortly after, and anchored in the roadstead a short distance from this shore. The *Octorora* anchored in the vicinity of Great Guano cay, and returned to this port this morning at 9 a. m. Both vessels shortly after weighed anchor, and have proceeded again eastward, smokelessly steaming in the smooth water along the Great Abaco shore.

The conduct of both the commanders was particularly mild and courteous, and their presence among us would, under different circumstances, have been very agreeable.

Considering it desirable that his excellency the governor should be informed promptly of the foregoing facts, I have employed the small schooner *Mary Rankin* to convey this communication to yourself.

I have, &c.,

J. NIBBS BROWN,
Police Magistrate, Abaco.

Hon. C. R. NESBITT, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, December 31, 1862.

SIR: Her Majesty's government have had under their consideration reports addressed by Mr. Stuart on the subject of the representations which he had the honor to make to you in the month of October last, with regard to supposed intentions of the naval authorities to appropriate the captured vessel *Bermuda*, before the proceedings in the admiralty court against that vessel had been brought to a close.

Her Majesty's government observe, in the first place, that the reference made by you in conversation to a British statute authorizing the sale of a ship before the decision of the appellate court has been pronounced is well founded. Her Majesty's government are advised that there are, in point of fact, two kinds of sale: first, *pendente lite*, during the period when proceedings are being carried on in the admiralty, or first prize court; and secondly, after condemnation in the admiralty, or first prize court, and before the decision in the appellate court.

The British prize act, passed on the 2d of June, 1854, (17 Vic., cap. 18, sec. 24-5-6,) provides for both these kinds of sale. First, it empowers the judge of the court to order a ship to be duly appraised and sold "whenever it appears desirable, either from the nature of the property captured, the *probable length*

of the proceedings, or any other sufficient cause," that "the ship, goods, &c., should be sold," (sec. 24.) On the other hand, it also empowers the judge to direct the ship or goods to be delivered up to the claimant, "upon his giving good and sufficient security to pay to the captain the appraised value thereof, in case the same should be adjudged lawful prize," (sec. 25.) Secondly, the statute, apart from these claims, directly empowers the admiralty, or first prize court, to sell after condemnation, (sec. 26.)

It is not known to her Majesty's government whether the United States have passed a similar prize act; but, at all events, the exercise of such an abstract power of sale is not denied by her Majesty's government to the United States authorities. Her Majesty's government have, however, instructed me earnestly to represent to you, that if it be found necessary to sell a ship, *pendente lite*, the claimant ought to be preferred as a purchaser, and that the necessity contemplated as justifying the sale, *at this stage of the case*, is clearly and unquestionably not the necessity of the belligerent state to supply her naval marine, but a necessity arising from the condition of the ship itself, namely, that it is becoming lessened in value, or otherwise deteriorated, by remaining in the custody of the marshal of the court.

Upon this principle is founded the well-known practice of admiralty courts, both in their civil and prize jurisdictions, to order a sale of "perishable commodities." But as to the sale after condemnation in the admiralty, or first prize court, I am instructed to represent to you that, in such a case, a sale, if ordered by the court, should be conducted at a public auction, after due notice and advertisements, at which sale, of course, all persons, including the claimant, would be at liberty to be present, to bid for, and purchase the ship.

This appears to her Majesty's government to be a matter of plain justice to the claimant or owner of the captured vessel, and is, it is believed, in accordance equally with the British and American practice during former wars. The proceeds of the sale would, of course, be paid into court, to abide the issue of the decision by the court of appeal.

I have the honor, &c., &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 31, 1862.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 29th instant, which represents, upon the authority of Admiral Milne, of her Britannic Majesty's service, that on a recent occasion, when the United States steamer Wachusett, then bearing the flag of Rear-Admiral Wilkes, was passing near a British port in the Bahamas, she declined to receive a visit of an officer sent out from the British vessel. The attention of the Navy Department will be at once directed to the subject, with a view to obtain the proper explanations.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, December 31, 1862.

MY LORD: I have the honor to acknowledge the receipt of your note of the 29th instant, communicating the copy of a despatch, and of a report enclosed in it, which you have received from Vice-Admiral Sir Alexander Milne, commander-in-chief of her Majesty's naval forces on the North American and West Indian stations, representing that the commanders of the vessels-of-war of the United States in the neighborhood of the Bahama islands have disregarded the regulations of her Majesty's government with regard to the use by belligerents of British waters, and suggesting that the attention of the naval officers should be called by this government to those regulations.

Admiral Milne, in his despatch referred to, also represents that he has received intelligence leading him to fear that the United States cruiser has captured the schooner *Elias Reed* within British jurisdiction.

In reply, I have the honor to state that the attention of the Secretary of the Navy will be promptly invited to the subject, with a view to such proceedings as, upon due investigation, the circumstances shall seem to require.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 3, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 31st ultimo, relative to the sale of the prize steamer *Bermuda*, and to state, in reply, that a copy of it has been sent to the Secretary of the Navy for his information.

I avail myself of this opportunity to renew to your lordship the assurance of my highest consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 3, 1863.

MY LORD: With reference to the case of George Baxter, a deserter from the 25th Connecticut regiment, arrested in Canada and brought back to the United States, I have the honor to acquaint you that this department has received a report from the War Department on the subject. From this it appears that Baxter enlisted in the regiment on the 8th of September last, but deserted a few days afterwards. That a warrant for his arrest, in the usual form, was issued, and its execution intrusted to Charles Clapp, first sergeant of company H, in the regiment. That Clapp, having heard that Baxter was in Canada, proceeded to Bedford, in that province, and having ascertained where Baxter was residing, went to the house, and inquired for him at the door. On learning that he was

up stairs, Clapp went to him, and told him that he must go with him. That Baxter then arose, dressed himself, and proceeded with Clapp, in a carriage, into United States territory. Neither threats nor force were used in bringing Baxter back, who returned of his own free will. That when Baxter reached his regiment, he remained until the 13th of November last, when he again deserted. That, prior to his desertion, Baxter had received bounties for enlisting to the amount of three hundred and sixty dollars.

It further appears that the officer who was charged with the arrest was not, directly or indirectly, authorized to cross into Canada for that purpose. That proceeding is entirely disavowed by this government, and Clapp will be duly reprimanded therefor, although it is presumed that he was quite ignorant of the character of the offence.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 3, 1863.*

SIR: On receiving from me a copy of the note which you did me the honor to address to me on the 30th May last, respecting the imprisonment of Mr. John J. Shaver, her Majesty's government considered it desirable to write to Canada for further information on the subject. Her Majesty's government having, in this way, obtained additional evidence, have again taken the case into consideration, and have directed me to make to you a further representation with regard to it.

To begin with Mr. Shaver's claim to be a British subject. It is proved by the affidavits of Nancy Moore, Peter Shaver, John Hedley, and others, which I have the honor to transmit to you herewith, that Mr. Shaver is of British descent, and that he and his family have always had their residence on British territory.

It appears, indeed, from the affidavits of Mr. Benjamin and others, (which also are enclosed,) that Mr. Shaver has had for many years past (and had at the time of his arrest) a residence at Belleville, Upper Canada, at which his wife lives, and to which it has been his habit to return whenever the claims of his business have allowed him to do so. It does not appear that he ever had a fixed residence within the territories of the United States; and his occupation while in these States was of a nature to cause constant travelling from one part of the country to the other, and almost to exclude the idea of any fixed residence whatever; and, moreover, it continued only for a limited portion of each year.

Her Majesty's government are, then, clearly of opinion that Mr. Shaver has established, by good proof, that he is a born subject of her Majesty; and, what is of less importance, that he has retained his British domicile; and as regards the latter point, her Majesty's government confess that they have failed to perceive the force of the remarks made in your note, or the justice of the rebuke which you found upon them.

The domicile of the wife was not stated to be the domicile of the husband. But the fact of the residence of the wife and family at a particular place was, in the case of a travelling agent, alleged as part of the evidence that his home or domicile was in that place.

This position is in accordance with the best authorities, English and American, upon the particular point of domicile; and her Majesty's government are of opinion that, in spite of travelling agencies, limited to three or four months, Mr. Shaver was domiciled at Belleville.

The question, however, is one of natural allegiance, and not of domicil. And when the United States authorities forebore to press the oath of allegiance, which they had at first tendered to Mr. Shaver, it was, her Majesty's government cannot doubt, because they were satisfied of his British origin and allegiance.

Next, as to the charge against Mr. Shaver of using seditious language while he was in the United States. Her Majesty's government observe that the only witness mentioned in connexion with this charge is Sears P. Thompson. Mr. Shaver states that this Thompson was in his employment, and that fraudulently withheld from him money received on his account. He declares, moreover, that his conversations with Thompson never proceeded beyond the private expression of opinions on passing events, and were not calculated to excite any feelings. And, indeed, it may be gathered from the manner in which Thompson's statement is mentioned in your note, that this assertion is not likely to be disputed. Mr. Shaver, moreover, explicitly denies that he ever in any public manner gave expression to sentiments hostile to the government of the United States.

It seems, therefore, to her Majesty's government that the character of Thompson, and his particular relations with Shaver, go far to discredit his evidence, such as it is. And her Majesty's government observe, further, that even if Thompson's evidence were not discredited, the conduct of Mr. Shaver could hardly be regarded as an offence, except under a rigid despotism; that it could be only under such a form of government that a free comment upon passing events to an acquaintance could be considered as a crime justifying imprisonment.

Other charges against Mr. Shaver connected with the carriage of correspondence, and similar matters, are prefaced in your note, with the words, "*It is in proof;*" but no witness who has testified to them is named. Mr. Shaver distinctly and categorically denies that he was ever, either directly or indirectly, engaged in the carriage of any correspondence to persons who were in arms or in revolt against the United States. With regard to the assertion concerning the trunks in his possession, which are stated to have come northward light, and to have gone southward heavy, Mr. Shaver's answer is, that these trunks contained the bills, papers, and tickets, which, in the course of his business as a ticket agent, he sold. That the trunks came up light because the greater portion of the passenger traffic was from south to north, and the tickets were then in the hands of the passengers. That they returned heavy because the tickets had then been collected from the holders, and were on their way back to the companies in the south, for whose account they had been sold. He stated, moreover, that on every occasion of their going south these trunks were searched.

It is further affirmed in your note that Mr. Shaver stated on the way to Lafayette, after his arrest, that "he had parcels in some express office which he expected to receive to carry south." The latter part of this statement Mr. Shaver denies having made. He admits the former part, but adds that the United States authorities obtained the parcels, and examined them, and found them to contain cigars.

The assertion that Mr. Shaver stated his intention to go south, contrary to the proclamation of the President, and also to carry correspondence to the southern army, Mr. Shaver meets with a positive denial; and as the names of the witnesses on whose evidence this charge is made are not given, it is not easy to say what other answer, supposing the charge to be untrue, Mr. Shaver could give to it.

On the whole case, her Majesty's government are of opinion that the grave facts as to Mr. Shaver's detention, ill-usage, and imprisonment, remain wholly without excuse or modification; and even if your reliance on the statement of the United States officials as to the treatment of Mr. Shaver, after his arrest, be

justified, this would, it seems to her Majesty's government, merely tend to show some possible exaggeration not unnatural or inexcusable, under the circumstances, on Mr. Shaver's part, as to some points of detail which are not really of much importance to the substance of the case, and as to which the feelings and observations of prisoners are apt to be more acute than those of the officers who hold them in custody.

Her Majesty's government have indeed been strengthened by the information which they have now obtained, in the opinion which I expressed to you by their order, in my note of the 26th of April last, and they have accordingly directed me to state to you that they consider the claim of Mr. Shaver for redress and compensation to be fully established.

I beg you to be so good as to send me back the ten original documents enclosed in this note.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD, *&c.*, *&c.*, *&c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *January 6, 1863.*

SIR: In an unofficial letter, which you did me the honor to write to me on the 6th of last month, you informed me that the district attorney of the United States for the district of Delaware had been instructed to commence proceedings against Captain Wm. Sherwin, master of the Rowena, for high treason.

It appears, however, from a despatch dated the 30th of last month, which I have received from her Majesty's acting consul at Philadelphia, and of which I have the honor to enclose a copy, that Captain Sherwin was still, at that date, held in military custody, and that no instructions to take legal proceedings against him had been received by the United States district attorney.

I have the honor to be, with high consideration, sir, your most obedient, humble servant.

LYONS.

Hon. W. H. SEWARD, *&c.*, *&c.*, *&c.*

Mr. Crump to Lord Lyons.

HER MAJESTY'S CONSULATE,
Philadelphia, December 30, 1862.

MY LORD: I have the honor to acknowledge the receipt of your lordship's despatch of the 6th instant, informing me that you had made an endeavor to induce the United States government to release Captain Sherwin unconditionally; that, in answer to your lordship's application, you were informed that the government did not feel warranted, under existing circumstances, in releasing Captain Sherwin, but that, on the contrary, had thought it necessary to instruct the attorney of the United States to commence proceedings against him for high treason; instructing me to ascertain and report to your lordship whether Captain Sherwin has been transferred from the custody of the military to that of the civil authority, and if so, whether he is detained under a warrant issued in due legal form; whether he enjoys all the advantages allowed by law or custom to persons in his situation; especially whether due facilities are given him for preparing his defence; also to report the overt acts charged against him as constituting the crime of high treason; and to inform you if there shall be any doubt as to his obtaining a fair and speedy trial.

In reply, I have the honor to inform your lordship that the United States district attorney at this port has not, up to this date, received any instruction to prosecute Captain Sherwin for high treason, and that he is, therefore, still in the custody of the military authorities.

On my last visit to Fort Delaware, Captain Sherwin informed me that he enjoyed all the privileges allowed the other political prisoners of the fort except a "parole of the island;" *i. e.*, liberty to go outside the fort and walk around the island, which it appears some of them enjoy.

With a view of obtaining this privilege for Captain Sherwin, I spoke to Colonel Perkins, the commandant of the fort, of the captain's declining health, in consequence of constant confinement. Colonel Perkins stated that he would give the subject his consideration. The regulations of the fort allow the political prisoners two hours daily of fresh air on the parapets of the fort, which of course Captain Sherwin avails himself of. I am not aware of the captain having had the liberty of the island granted him, but think it is highly improbable, as he promised to write me if he obtained it, and he has not done so.

I will keep the instructions contained in your lordship's despatch before me; will be guided strictly by them, and immediately report whatever may transpire in this city in relation to this interesting case.

I have the, &c.,

GEORGE CRUMP.

LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 7, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 3d instant, relative to the case of Mr. John J. Shaver. In reply, I have the honor to acquaint you that a reconsideration of the subject shall cheerfully be entered into.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, January 8, 1863.

SIR: Since issuing the orders on which the note which I had the honor to address to you on the 9th of last month was founded, her Majesty's government has received an official report of a statement made to Mr. Crawford, her Majesty's acting consul general at Havana, by Mr. Clements, the British subject who was carried off by the United States ship Montgomery, when the steamer *Blanche* was destroyed by fire on the coast of Cuba.

It appears that Mr. Clements informed Mr. Crawford that, on his arrival at Pensacola on board the *Montgomery*, he was repeatedly examined, and was questioned, on several consecutive days, with regard to the affair of the *Blanche*, the chief object of these examinations being to get him to say that he thought that the *Blanche* had been set fire to by her own crew; and, further, that as he declined making any such statement, inasmuch as he did not know who had

set the ship on fire, he was detained as a prisoner by Commander Hunter until he signed a declaration to the desired effect.

It appears, moreover, that Mr. Clements assured Mr. Crawford that he affixed his signature to the declaration in order to obtain his freedom; that the signature was obtained from him by Commander Hunter in a secret and surreptitious manner, and that he considered the declaration thus extorted from him as void and of no effect whatever; and the more so, because, during the time the Montgomery's men were on board the *Blanche*, he was on the after part of the upper deck, guarded by a file of armed men, and, consequently, could not possibly know by whom the ship was set on fire.

In the note to which I have referred, I had the honor to inform you that her Majesty's government were confident that full compensation would be made for the detention of Mr. Clements. I am now directed by her Majesty's government to ask, also, for an apology from the government of the United States for the compulsion exercised upon Mr. Clements to induce him to sign at Pensacola a false statement of the circumstances relating to the destruction of the *Blanche*.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, January 9, 1863.

SIR: I think it right to call your attention to the enclosed copy of a despatch from the British vice-consul at Key West to her Majesty's consul at New York. He states that the British schooner *Mont Blanc*, of Nassau, which has been brought into Key West as a prize by the United States steamer *Octorora*, was captured at Sand key, Bahama bank, within a mile of the shore.

I have the honor to be, &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

BRITISH CONSULATE,
Key West, December 30, 1863.

SIR: I have the honor to report to you the arrival at this port, yesterday, of the British schooner *Mont Blanc*, of Nassau, N. P., A. Curry, master, under charge of the United States steamer *Octorora*.

This vessel sailed from Green Turtle key for Port Royal, South Carolina, on the 6th of this month, and was captured on the 21st instant, when at anchor at Sand key, Bahama bank, within a mile of the shore.

The captain reports having experienced such severe weather from the time of the commencement of his voyage, that he was unable to proceed on his voyage, and was, at the time he was taken, about to return to Green Turtle key.

The *Mont Blanc* is of nine tons burden, and was loaded with salt, and is, together with cargo, valued at only about eight hundred dollars. The captain is, therefore, doubtful whether he will go to the expense of defending her or not.

I have, &c.,

AUBREY G. BUTTERFIELD.

E. M. ARCHIBALD, Esq.,
H. B. M. Consul.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 9, 1863.

The undersigned, Secretary of State of the United States, has submitted to the President the copy which was delivered by Lord Lyons to the undersigned of the despatch of Earl Russell to Lord Lyons, under the date of December 17, 1862, and which contains a review of the note which was addressed by the undersigned to the honorable William Stuart, her Majesty's chargé d'affaires near this government, on the third day of October last.

Earl Russell continues a discussion which was opened by Mr. Stuart concerning certain proceedings of the collector of customs at New York, which were said to affect British trade through that port with the Bahamas.

The undersigned finds no occasion for maintaining so broad a proposition as that which is in some sort attributed to him by Earl Russell, namely, that no act whatever done within the territory of the United States, and authorized by Congress, can be inconsistent with the engagements contained in the treaty between the two countries which was concluded in the year 1815.

The undersigned has intended simply to insist that Congress may, without violating that treaty, direct within the jurisdiction of the United States any modification of commercial intercourse necessary in a state of civil war which, not being in violation of the law of nations, is essential to the public safety, provided that it imposes no prohibition upon subjects of Great Britain which is not equally imposed upon the subjects of all foreign powers and upon citizens of the United States.

The undersigned is happy to agree with Earl Russell that Congress could not, consistently with the treaty, enact a law which should prohibit any trade with the Bahamas, unless her Majesty would engage to prohibit and prevent all trade between the Bahamas and the Confederate States. But the undersigned does not find in the despatch of Earl Russell any satisfactory demonstration that what has been done at the custom-house at New York was the use of the machinery of an act passed in vague and general terms for practically the same purpose, and therefore in truth the same thing.

The undersigned also fully admits the principle for which Earl Russell contends, that the laws and statutes to which the trade under the treaty is to be subject must be definite laws and definite statutes, which foreigners can understand and observe as practical rules for their government while within the United States territory, not laws, so-called, which authorize subordinate officers of the government to give or withhold at their discretion those rights which the United States have engaged by the treaty to secure to British subjects. But the undersigned must again insist that the act of Congress which has elicited the criticism of Earl Russell is, in all respects, just such a definite statute as the principle thus acknowledged contemplates. The object of the statute is to authorize the collector to refuse permits for merchandise which may be designed to supply the insurgents in arms, or of which there may be a danger that they will fall into the hands of the insurgents. The existence of design in the first of these cases, and the existence of the imminent danger in the other, are facts which must frequently, if not always, be determined by an examination of circumstances. That examination and determination must be made by some agent of the government, and it seems to the undersigned that there is no more vagueness in the language by which the power to make them is conferred upon the collector of customs, than there is in the language of a statute which directs a magistrate to arrest offenders, or prevent apprehended crimes, when he is convinced, on satisfactory grounds, that crimes have been perpetrated or proposed. For the exercise of the proper caution and justice in the case, the subordinate

officer is responsible to the government, and the government itself is responsible to all parties concerned.

A desire to guard against misapprehension, rather than any bearing of the statement upon the subject under discussion, requires that the undersigned shall express his dissent from the position assumed by Earl Russell, namely, that the present case is not one of the prohibition of any article the growth, produce, or manufacture of the United States, or of her Britannic Majesty's territories, or Europe, within the meaning of the third clause of the second section of the treaty of 1815. Upon a careful re-examination of the treaty, the undersigned finds no words therein which seem to confine the operation of that clause to general prohibitions of the exportation of specified articles, and exclude a prohibition of particular articles not generally prohibited by particular shippers on particular occasions, unless certain exceptional conditions, not required by the law in other cases, are complied with. The comprehensive brevity with which the treaty is expressed, seems to the undersigned to render it proper to give a general application of the terms of this clause to legal prohibitions, of whatever kind, upon whatsoever case, or under whatsoever circumstances they may be made.

The undersigned must again declare that he is unable to find in the papers which this discussion has produced any evidence whatever that the act of Congress has been administered so as to apply invidiously, or even discriminatingly, against Great Britain. It does not, certainly, appear that none but British shipments, in contravention of the act, have been prevented by the collector at New York. If such, however, should be the case, the proper inference to be drawn from it would seem to be, that no such shipments by any persons other than British subjects had been attempted.

The undersigned is obliged to confess that he labors under the same difficulty now that embarrassed him at the earlier stages of this discussion, as to the connexion which Earl Russell has attempted to establish between these principles and the blockade. The undersigned must still insist that the act of Congress, and the proceedings which have been taken under it, have had reference to the preventing of supplies through the ports of this country to the insurgents in arms against its authority, by refusing permission to all classes of persons within their jurisdiction, whenever there was a design to carry such supplies, or imminent danger that they would fall into the hands of the insurgents.

In conclusion, while the opinions which Earl Russell has expressed upon the transactions which have been reviewed are not admitted to have sufficient foundation, the undersigned has great pleasure in assuring the British government that the laws of the United States will continue to be executed in such a way as to afford no just ground for complaint of partiality or injustice; and he still remains open to receive, and ready, so far as is possible, to redress, any complaint of any past injustice that shall be presented with sufficient certainty of statement, and reasonable evidence to support it.

The undersigned avails himself of this opportunity to renew to Lord Lyons the assurance of his high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 10, 1863.

MY LORD: With reference to your note of the 29th ultimo, on the subject of alleged disregard by Rear-Admiral Wilkes of the regulations of her Majesty's

government in respect to the use by belligerents of British waters, I have the honor to enclose a copy of a letter of the 8th instant, addressed to this department by the Secretary of the Navy, and of the extract from the report of commander Collins, to which it refers.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Honorable LORD LYONS, &c., &c., &c.

NAVY DEPARTMENT,

January 8, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, inviting my attention to a communication dated the 29th ultimo, a copy of which you enclosed, addressed to you by Lord Lyons, representing that our cruisers in the neighborhood of the Bahamas are in the habit of disregarding the regulations of her Britannic Majesty's government with regard to the use by belligerents of British waters.

Acting Rear-Admiral Wilkes's attention has been called to the allegations, and he has been enjoined not to trespass on what are clearly British waters.

From the report of Commander Collins, an extract of which is herewith enclosed, it would seem that the Elias Reed was not seized within the territorial jurisdiction of Great Britain. The position is represented as about four miles distant from the cays in sight. It is admitted by the department, that the shoals and waters over a marine league from the cays are within the territorial jurisdiction of Great Britain.

Very respectfully, &c.,

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

UNITED STATES STEAMER OCTORARA,

Little Bahama Bank, November 6, 1862.

SIR: I have the honor to report that we seized the confederate schooner Elias Reed, William Blakely, master, yesterday, at 6 o'clock p. m., in four and a half fathoms water, in latitude about 20° 59' 30" north, longitude about 77° 49' west, the centre of Umbrella bay bearing northeast by north, and the south end of Allen's cay east by north true, distant about four miles. * * * *

No papers were found on board. Her cargo and a confederate flag are the only indications of her character. She is believed to have been from St. Mary's, Georgia, and bound to Nassau. * * *

Very respectfully, &c.,

N. COLLINS, Commander.

Hon. GIDEON WELLES,
Secretary of the Navy, Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 10, 1863.

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 8th instant, which relates to the case of Mr. Clements, the British

subject who was received on board the United States steam-ship of war the "Montgomery," at the time of the destruction of the "Blanche."

Your lordship must have perceived that the statements which Mr. Clements has made to Mr. Crawford are so manifestly incompatible with the deposition which he made at Pensacola, as to render an inquiry into the exact truth of the case important, before the claim now presented in his behalf can be acknowledged. Captain Hunter, of the "Montgomery," having been ordered to this place for trial by court-martial, his arrival may now be reasonably expected very soon. The complaint in behalf of Mr. Clements, which you have presented, will be submitted to the court-martial for the purpose of ascertaining whether it is well founded. If it shall prove so, this government will have no hesitation in yielding all the redress which the laws of nations or the municipal laws of the country prescribe.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Honorable LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 12, 1863.

MY LORD: Perhaps you have a general knowledge of the atrocities and barbarous outrages which have recently been committed by the Sioux Indians in Minnesota, residing under the protection of treaties with the United States. For the present these hostilities have ceased, but information has been received from that State which excites apprehensions of a renewal of them. I ask the favor to give you an extract of a letter of this character which comes from Mr. Peter Roy, at Red Lake, under the date of December 20. It is hoped that you may think it not improper to address the colonial authorities on the northern frontier, with a view to prevent, if possible, hostile Indians residing on either side of the frontier from being supplied with arms, ammunition, or military stores, to be used against the peaceful inhabitants of the United States.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Honorable LORD LYONS, &c., &c., &c.

DEPARTMENT OF THE INTERIOR,

Washington, January 9, 1863.

SIR: With this I have the honor to enclose an extract from a letter of Mr. Peter Roy, a half-breed Chippewa, in the temporary employment of this department, and respectfully request that you will take such action in the premises as, in your judgment, the public safety requires.

I beg leave to add, that there exists a very general apprehension among the citizens of Minnesota that the Sioux Indians, now in hostility against them, will obtain supplies of arms and ammunition from the merchants and traders in the British possessions, who are protected by that government.

Very respectfully, your obedient servant,

J. P. USHER, *Secretary.*

Hon. WILLIAM H. SEWARD,
Secretary of State.

Extract of a letter received from Mr. Peter Roy, an employé of the government, by the honorable H. M. Rice, United States Senate, dated "Red Lake, December 20, 1862:"

"There is a large number of Sioux about Devil's lake; they are coming in daily at St. Joseph in large numbers; they are bound to have ammunition, and they are preparing to go to Fort Garry in very large numbers, to demand for powder. The governor, Mr. Tavish, has heard of it, and he has sent a message to them not to come—that they could not have any; but the Indians have determined to go, and they are going, and people there expect to have trouble with them; and also the Sioux, from all accounts, are making big preparations for a spring campaign."

Lord Lyons to Mr. Seward.

WASHINGTON, January 12, 1863.

SIR: I have to-day had the honor to receive your note of to-day's date relative to the outrages committed by the Sioux Indians. I have without any loss of time forwarded a copy of it, as well as a copy of the paper which accompanied it, to the governor general of British North America.

I have the honor to be, with the highest consideration, sir, yours, &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 15, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 12th instant, acquainting me that you had forwarded a copy of my communication of the previous day, in relation to the outrages committed by the Sioux Indians, to the governor general of British North America, and to thank you for your prompt and obliging acquiescence in my suggestion.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 15, 1863.

MY LORD: Referring to your note of the 24th of November last, complaining of the conduct and department of Acting Rear-Admiral Wilkes, in his command of the gulf squadron, and to the correspondence which has since passed between us on the subject, I now have the honor to enclose to you the copy of a communication of the 13th instant from the Secretary of the Navy in regard to the matter, which it is hoped will prove satisfactory.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *January 13, 1863.*

SIR: I have the honor to enclose herewith copy of a despatch, No. 28, dated the 2d instant, from Acting Rear-Admiral Charles Wilkes, in reply to the complaints presented in the communication addressed to you by Lord Lyons on the 24th November, and which you referred to when you transmitted to me a copy of your note to Lord Lyons on the 5th ultimo.

Very respectfully, your obedient servant,

GIDEON WELLES,

Secretary of the Navy.

HON. WILLIAM H. SEWARD,
Secretary of State.

Acting Rear-Admiral Wilkes to Mr. Welles.

No. 28.]

FLAG-STEAMER WACHUSETT,

Havana, January 2, 1863.

SIR: I have to acknowledge the receipt of your letter of the 2d December, in reference to my proceedings at Bermuda, and the comments of the British minister, Lord Lyons, thereon.

In reply to the first point, I most positively deny that either of the vessels ever anchored so as to control the movements of ships desiring to enter or to depart from the port of Bermuda. We but maintained a system of cruising outside of the neutral waters of Bermuda, in and under our rights as a belligerent, and perfectly consistent with that defined by Lord Stowell, which Lord Lyons quotes, in the case of the *Anna*.

On the second point, of offensively and unlawfully placing sentinels on British territory: the *Sonoma* and *Tioga* went alongside of the wharf to coal, and their usual gangway sentinels were placed so as to prevent any intoxicating liquors from being conveyed on board to our men, having no reference to British territory whatever, unless United States ships became so in fastening to a private wharf of an individual of Bermuda. This is customary in all naval services; it was not done offensively nor unlawfully; no objection was made to it whatever, as I am informed by the commanders, and it was not unlawful to guard our own men, without any reference to the inhabitants or authorities of Bermuda. I most emphatically deny that sentinels were placed on British territory.

His third ground is, that I contemptuously evaded the orders of her Majesty in regard to the supplies of coal which vessels of belligerent parties obtain in a British port. Of this he fails to give an instance, and I most positively assert that every decorum was used by me in all my communications and conduct to his excellency the governor, and the other authorities of the island, as my correspondence with him abundantly proves.

He refers again to a quotation, in which the word *instruct* occurs. I took exceptions to it from its well understood meaning to instruct me, and that I would not permit him to use so obnoxious a word in a despatch to me, as my government had, alone, that power. There was no defiance in it, nor any intention of breaking the rules, in any way, of her Majesty, or obstructing the performance of the governor's duties. Nor can the sentence be construed to imply that I meant to attempt it, without a most extraordinary torturing of language, to suit certain ends. Under the discourtesies of Governor Ord, I deemed it but proper and right to give him the rebuke I did. I have always endeavored to cultivate a friendly feeling with all government officers. While maintaining our own rights, I shall ever respect the rights of others, and never permit my forbearance to be

exhausted, though my patience may be severely tried, and never permit myself to transgress the recognized laws and regulations of other governments or international law.

I am, very respectfully, your obedient servant,

CHARLES WILKES,

Acting Rear-Admiral, Commanding West India Squadron.

HON. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 17, 1863.

MY LORD: I have the honor to inform you that the attorney of the United States for the district of Delaware, after a deliberate investigation of the case of Captain Sherwin, late of the British bark Rowena, has determined that at present he probably cannot be successfully prosecuted for treason against the United States. The release of the captain from his confinement has accordingly been ordered, although his conduct is believed to have been unwarrantable and injurious.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

The Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 17, 1863.*

SIR: I beg to offer you my thanks for your note of the day before yesterday's date, and for the translation, which you were so good as to send with it, of a communication, dated the 8th instant, which you had received from Mr. Tassara, concerning the affair of the Blanche.

I have the honor to be, with the highest consideration, sir, &c., &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 19, 1863.*

SIR: I have received the note of yesterday's date, in which you do me the honor to invite me to suggest any modification which may occur to me as desirable in the charges on which it is proposed to bring Commander Hunter, of the Montgomery, to trial before a court-martial.

I beg you to accept my thanks for this invitation, and to be assured that I highly appreciate the motives which have led you to address it to me. I feel, however, that the proposed trial is a matter respecting which I am not at present in a position to take, either for my government or for myself, the responsibility of expressing an opinion.

I have the honor to be, with the highest consideration, sir, &c., &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Lord Lyons to Mr. Seward.*WASHINGTON, *January 20, 1863.*

SIR: I have received from Vice-Admiral Sir Alexander Milne a despatch, in which he has made me acquainted with the view he takes of the verbal communication made by Commander Malcolm, of her Majesty's ship *Barracouta*, to Mr. Whiting, who was at the time United States consul at Nassau.

Commander Malcolm reported to vice-admiral that he was at the governor's house, at Nassau, when the chairman of the board of pilotage called, bringing with him a pilot of the name of Lloyd; that Lloyd stated that Rear-Admiral Wilkes had asked him to land a Bahama pilot, who was on board, and that he had answered that he would do this, but that he could not anchor the rear-admiral's ship without the permission of the governor; upon which the rear-admiral replied, "that he would anchor, whether the governor liked it or no, if he chose."

Commander Malcolm further reported to the Vice-Admiral Sir Alexander Milne, that, considering that Rear-Admiral Wilkes's flag-ship had steamed slowly along within British waters, and within half a mile of Hog island, and had passed close to the boat of the *Barracouta* without taking notice of her, he had thought it his duty to express his opinion on the subject to the United States consul; that he accordingly waited on the consul, and after saying that he considered the manner in which the boat had been treated as most uncourteous, mentioned the report made by the pilot, and observed that he did not attach any weight to that report, coming in the way it did; but that, nevertheless, to prevent all doubts or misapprehension on either side, he would request the consul to inform Rear-Admiral Wilkes that to anchor without the permission of the governor would be a violation of her Majesty's regulations. And Commander Malcolm further informed Sir Alexander Milne that he had added, that if Rear-Admiral Wilkes should anchor without permission, and, when officially and distinctly informed of her Majesty's regulations, should refuse to move, he would fire into him.

On receiving the report, Vice-Admiral Sir Alexander Milne stated to Commander Malcolm that he considered it to have been injudicious to make any communication on such a subject to the United States consul; and the vice-admiral, in informing the lords commissioners of the admiralty of the occurrence, observed, that although Commander Malcolm's proceedings in this instance could not, in his opinion, be approved, he was bound to express his belief that in making the communication that officer was unconsciously influenced, to a certain degree, by those feelings of irritation which Rear-Admiral Wilkes's marked discourtesy in not communicating with the boat of the *Barracouta* was calculated to excite, as his conduct had generally been discreet and deserving of approbation.

I have the honor, &c., &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 20, 1863.

MY LORD: Adverting to your note of the 24th of November last, relative to the capture of the schooner *Orion* by the United States cruiser *Quaker City*, and to my reply, I now have the honor to enclose to you a copy of a letter of the 6th

instant from the attorney of the United States for the southern district of Florida, on the subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

UNITED STATES ATTORNEY'S OFFICE,

Key West, January 6, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 29th November, 1862, enclosing copy of a communication of the 24th of same month from her Britannic Majesty's minister, concerning the capture of the schooner Orion.

The Orion was captured on the 24th of July of last year, and condemned as good prize on the 3d of September following. It is impossible for me to doubt that, under the decisions both of the American and English admiralty, the decision of the court is correct and warranted. The vessel sailed from Galveston to Kingston as a confederate vessel in charge of a confederate master and crew. At Kingston a British register was taken out for her. She was captured on a voyage ostensibly from Kingston to Matamoras, in charge of the *same master* and mate who went out in her from Galveston. The mate swears that he believes the transfer was made through the master; but the master swears that he knew of no bill of sale being made or delivered, and knew of no papers concerning the vessel and cargo except those found in the vessel at the time of the capture, among which was neither a bill of sale nor a power of attorney from the former owner to sell. The master does not state that any consideration was given for the vessel at the time of transfer. The great number of decisions which bear upon this case are familiar to you.

Under all the circumstances the court was of opinion that the transfer was colorable and fraudulent. The vessel was condemned as enemy's property. The claimant was granted an order for further proof with reference to the cargo. I may add that no appeal has been taken from the decree of condemnation of the vessel.

I have the honor to be, sir, your obedient servant,

THOMAS J. BOYNTON,

United States Attorney, Southern District of Florida.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 22, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 20th instant, acquainting me with the view which Vice-Admiral Sir Alexander Milne takes of the verbal communication made by Commander Malcolm, of her Majesty's ship Barracouta, to Mr. Whiting, who was at the time United States consul at Nassau, and to inform you, in reply, that a copy of it has been sent to the Secretary of the Navy.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, January 26, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, calling the attention of this government to the refusal of Acting Rear-Admiral Wilkes to communicate with a boat belonging to her Majesty's ship *Barracouta* on a late occasion.

Having communicated a copy of it to the Secretary of the Navy, I now have the honor to enclose to you a transcript of his reply under date of the 6th instant, and to renew to you the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

NAVY DEPARTMENT, *January 6, 1862.*

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, inviting my attention to a communication from Lord Lyons and its accompaniment, in reference to the refusal of Acting Rear-Admiral Wilkes to communicate with a boat belonging to her Britannic Majesty's ship *Barracouta* on a late occasion. From a despatch, dated the 4th ultimo, from Acting Rear-Admiral Wilkes, it appears that he did decline to communicate with the boat mentioned. The fact and the reasons which influenced him in his action are stated in the following extract from his despatch:

"I declined having any communication with the authorities, as they now deny to offer me the courtesies due to my flag and rank. I would not permit the boats sent out to board me—one from her Britannic Majesty's steamer the *Barracouta*, and another from the governor—whose intention I well knew was to order me or desire me to ask permission to anchor, which the pilot told me he had orders to say could not be done."

Acting Admiral Wilkes, it appears, was informed by the pilot, acting under orders, that he could not anchor without permission. He doubtless did not, under these circumstances, feel disposed to come to anchor or to allow himself to be boarded by those whose object he believed was to remind him of a humiliating restriction imposed upon him; at the same time he refrained from violating the regulation which had been established. This was doubtless well; for had he done so, serious consequences might have followed. A short time since, in returning to you a despatch from the consul of the United States at Nassau, I had occasion to refer to certain remarks attributed to the commander of her Britannic Majesty's ship *Barracouta*; one of which was, that "he considered it due to inform me (the consul) of his determination, if either of the United States vessels should anchor off this port (Nassau) without the governor's permission, he should fire upon them at once, and that he had put his ship in readiness for action before leaving her to come on shore."

An officer manifesting such a feeling and disposition towards another, or the ship of a friendly nation, certainly should not feel aggrieved at not having the usual courtesies extended to him, especially under the circumstances alluded to in the extract from Acting Rear-Admiral Wilkes's despatch.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 26, 1863.*

SIR: I am directed by her Majesty's government to inform you that Mr. Frere, her Majesty's judge in the British and United States mixed commission court established at the Cape of Good Hope, under the treaty of the 7th of April last, has completed the necessary formalities for opening the court, with a view to its being ready for the transaction of any business which may be brought before it.

I have the honor, &c., &c.,

LYONS.

Hon. W. H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 26, 1863.*

SIR: On receiving from me a copy of the note which you did me the honor to address to me on the 12th instant, the governor general of British North America caused a circular, of which I have the honor to enclose a copy, to be addressed to the superintendents of Indians in the northwest portions of Canada, with a view of preventing the supply to the Indians of military stores to be used against the peaceful inhabitants of the United States.

The governor general observes that Fort Garry, the place especially indicated in the letter which accompanied your note, is not included in the territory over which his jurisdiction extends. I have, however, requested his excellency by telegraph to communicate your wishes to the authority to which Fort Garry is subject.

I have the honor, &c.,

LYONS.

Hon. W. H. SEWARD.

[Circular.]

DEPARTMENT OF THE SUPERINTENDENT GENERAL
OF INDIAN AFFAIRS, *Quebec, January 19, 1863.*

SIR: His excellency, the governor general, has just received a communication from the British minister at Washington, informing him that a renewal of the atrocious and barbarous outrages recently committed by the Sioux Indians in Minnesota is apprehended by the government of the United States.

In contemplation of the possibility of such a deplorable event, it is the earnest desire of the Canadian government that every lawful means within their power should be adopted to prevent hostile Indians on either side of the frontier from being supplied with arms, ammunition, or military stores, to be used against the peaceful inhabitants of the United States, and I am therefore to request that you will exert yourself to the very utmost of your ability to carry out in this respect the wishes of the government.

Be good enough, also, to inform me, at your earliest convenience, whether any unusual quantity of arms or ammunition has found its way into the hands of Indians within the last few months, and, at same time, communicate to me whatever information you may possess or acquire respecting any arms or ammunition which may, within said period, have found their way, with a supposed hostile purpose to the inhabitants of any portion of the United States, into the hands of any of the Indian tribes.

I have, &c.,

WM. McDOUGALL.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 28, 1863.*

SIR: With reference to the correspondence which has passed between us relative to the capture of the *Elias Reed*, I have the honor to transmit to you an attested copy of an affidavit made by two of the crew at *Nassau*. This document has been sent to me by Messrs. Saunders & Son, of that place. I beg you to be so good as to return it to me.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 26th instant, making known to me the views of her Majesty's government on the subject of the difficulty felt by the Navy Department with regard to issuing warrants and instructions to United States cruisers under the treaty between the United States and Great Britain of the 7th of April last, and to acquaint you that a copy of it has been communicated to the Secretary of the Navy.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 28, 1863.

MY LORD: I have the honor to acquaint you that in a letter to this department of the 27th instant, the Secretary of the Navy represents that the trial of Commander Hunter, late of the United States steamer *Montgomery*, upon the charges and specifications of charges a copy of which has been communicated to you, will take place forthwith at *Boston*, in the State of *Massachusetts*, before a naval general court-martial now in session there.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 29, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 9th instant, relative to the capture of the British schooner *Mount Blanc*, of *Nassau*, by the United States steamer *Octorora*. Having invited the

attention of the Secretary of the Navy to the subject, I now have the honor to enclose to you a copy of his reply.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 29, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 26th instant, informing me of the letter which Earl Russell caused to be addressed to the General Post Office, on receiving a copy of my note to you of the 15th ultimo.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 29, 1863.

Mr. Seward presents his compliments to Lord Lyons, and has the honor to transmit herewith to his lordship a copy of a letter of yesterday from the Secretary of War, upon the subject of the condition of the prisoners confined at Fort Delaware, respecting which Mr. Seward had the honor to converse with Lord Lyons a few days since.

—

WAR DEPARTMENT,

Washington City, January 28, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 27th instant, and to inform you, in reply, that orders have been issued for an immediate and thorough inspection into the condition of the prisoners confined at Fort Delaware.

Very respectfully, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *January 30, 1863.*

SIR: I have received the note which you did me the honor to write to me yesterday, in answer to the representation which I made to you on the 9th instant on the subject of the capture of the schooner Mount Blanc.

It will be my duty to bring to the notice of her Majesty's government the information which you convey to me, without note or comment, or explanation, that the commander of the United States vessel which captured the Mount Blane addressed, on the 26th of last month, a report to the Navy Department defining the spot on which the capture was made; and that his superior officer, in forwarding the report, drew the attention of the department to the fact that this spot is within a marine league of one of the cays of the Bahamas, over which jurisdiction is claimed by Great Britain.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to H. B. M. Consul at ———.

WASHINGTON, *January 30, 1863.*

SIR: Among certain intercepted correspondence which has been published in the newspapers appear two letters from Mr. Memminger, in which he expresses a belief that her Majesty's government would permit her Majesty's ships to carry from blockaded ports, specie, if it were British property.

It is not to be supposed that any of her Majesty's consular or naval officers would, in defiance of her Majesty's proclamation and of the orders of their official superiors, be concerned in receiving specie, or any other goods, to whomsoever belonging, through the blockade; but in order to prevent all possible mistake, I renew my injunction to you, not to send anything, whatever, away from a place under blockade, in a British ship-of-war, except British or French official despatches of such consular officers of other powers, in amity with the United States, as are sent out in their official capacity, and paid by their respective governments, and as are not engaged in trade.

You will make the purport of this instruction known to the commanding officers of any of her Majesty's ships which may visit your consular district, and request them to act in conformity with it.

I send copies to Earl Russell, and to Vice-Admiral Sir A. Milne.

I am, &c.,

LYONS.

H. B. M. CONSUL, at ———.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, January 31, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 28th instant, relative to the capture of the schooner Elias Reed, and to inform you that a copy of it has been sent to the Secretary of the Navy.

The affidavit which accompanied your note is herewith returned to you, in accordance with your request.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 3, 1863.*

SIR: I have the honor to enclose in original a letter and a certificate which I have received from Mr. John Mackenzie, who states that he was master of the schooner Golden Eagle, of Nassau, New Providence, and that vessel was seized by a United States cruiser, and, after being detained twenty-three days, set at liberty.

Mr. Mackenzie claims compensation for property of which he states the vessel to have been pillaged, during his detention, as well as for the detention itself. I beg you to cause inquiry to be made with a view of ascertaining whether the claim be well founded.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD,
Secretary of State.

P. S.—I shall be much obliged, if you will be so good as to return the enclosed papers.

L.

—
BEAUFORT, NORTH CAROLINA,
January 9, 1863.

SIR: I sincerely hope you will excuse my making so bold to address you.

I, John Mackenzie, master of the schooner Golden Eagle, of and from Nassau, New Providence, bound to Beaufort, with a cargo of salt, having received a license from the United States consul at Nassau for the same, do hereby certify that on the morning of the 1st day of December, was boarded by the United States steamship ——— and taken into Beaufort with a prize crew, during which time they pillaged from the vessel her stores, comprising—

50 pounds of coffee, at 20 cents per pound; 50 pounds of sugar, at 15 cents per pound; $\frac{1}{2}$ barrel of beef, at \$15; 120 pounds of hams, at 20 cents per pound; 6 pounds of butter, at 50 cents per pound; 2,000 oranges, at \$3 per 100.

And from myself, \$6; from the mate, \$15; from the cook, \$30; from one of the seamen, \$10.

The vessel was delivered up to me on the 5th day of January, 1863, having detained the vessel 23 days, for which I claim \$25 per day, and during which time the salt had fallen 40 cents per sack.

I shall be extremely obliged to you if you will put the owners in the way to recover the same by sending to Messrs. Sawyer and Macauley, Nassau, and you will oblige your humble servant,

JOHN MACKENZIE.

The latitude of the vessel when she was captured was 33° 51' north, and longitude 76° 37' west; distance from Beaufort bar, 51 miles due south.

BEAUFORT, *January 5, 1863.*

I hereby certify that the schooner Golden Eagle, Captain John Mackenzie, has been seized by the United States government, and is this day released by order of Rear-Admiral S. P. Lee.

W. C. BRUCE,
Acting Ensign in charge.

On separate paper:

\$10 00,	coffee.
7 50,	sugar.
10 00,	beef.
24 00,	ham.
3 00,	butter.
60 00,	oranges.
6 00,	stolen from captain.
15 00,	“ “ mate.
30 00,	“ “ cook.
10 00,	“ “ seaman.
575 00,	“
<hr/>	
750 50	
<hr/>	

Items of claim exclusive of loss by fall of price of salt as I understand it.

Hon. LORD LYONS,

British Minister at Washington.

[Circular.]

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 5, 1863.

SIR: As opinions may be entertained by merchants interested in trade to the port of Galveston, in Texas, that the blockade of that port by a United States naval force may, in consequence of recent events in that quarter, have been interrupted, I have the honor to acquaint you, with a view to obviate embarrassments to neutral commerce which might be occasioned by such opinions, that the blockade was resumed immediately, and will be continued until further notice. Although due notice of such resumption will probably have been given by the commander of the blockading squadron to vessels which may attempt to enter Galveston, it is deemed advisable to communicate a similar notice to you.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 6, 1863.*

SIR: I have this afternoon had the honor to receive your note of yesterday's date respecting the blockade of the port of Galveston, in Texas.

In acknowledging the receipt of your communication, I take the opportunity of repeating to you the assurance of the high consideration with which I am, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,

Secretary of State.

*
Lord Lyons to Mr. Seward.

WASHINGTON, *February 7, 1863.*

MY DEAR SIR: With reference to our official correspondence relative to supplies of arms to the Indians on the frontier, I send you an extract from a private letter from Lord Monck which will perhaps interest you.

Believe me to be, my dear sir, your faithful servant,

LYONS.

Hon. W. H. SEWARD,
Secretary of State.

[Extract.]

Lord Monck to Lord Lyons.

QUEBEC, *January 27, 1863.*

I received your telegram last night, and will send a copy by this day's post of your despatch and Mr. Seward's letter to the governor of the Hudson's Bay Company, but the means of communicating with him, particularly at this time of year, are so precarious that I am afraid it will be a long time before my letter can reach him.

I had yesterday a conversation with a gentleman, a member of the Canadian Parliament, who is well acquainted with Fort Garry and the surrounding country, and his opinion is that it is highly improbable that any supplies of arms or ammunition could be procured there by the Indians. The difficulties of transport are so great that no more is generally brought there than suffices for the ordinary wants of the people who inhabit the country, and he tells me that at this season of the year Fort Garry can be approached only through Minnesota; so that I hope Mr. Seward's fears will not be realized. You are quite welcome to mention this information to Mr. Seward if you think it worth communicating to him.

MONCK.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, *February 7, 1863.*

MY LORD: Referring to the correspondence, which has taken place between us, relative to the view which Vice-Admiral Sir Alexander Milne takes of the verbal communication made by Commander Malcolm, of her Britannic Majesty's ship Barracouta, to Mr. Whiting, the United States consul at Nassau, I now have the pleasure to inform your lordship that instructions have been given to Rear-Admiral Wilkes to render, on all occasions of intercourse with naval officers of Great Britain, the courtesies due from naval officers of one nation to those of a friendly power. If similar suggestions shall be given to the officers of her Majesty's service in the gulf, I trust that the irritations which have recently existed there, so much to the regret of both governments, will come to an end.

I have the honor to be, with high consideration, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 7, 1863.

MY LORD: The undersigned, Secretary of State of the United States, has the honor to reply to the note of Lord Lyons, of the 3d of January last, in which are set forth the views now taken of the case of John J. Shaver by her Britannic Majesty's government.

The depositions which accompany that note seem to establish with sufficient certainty the fact that the said John J. Shaver was born a British subject, and that he has not renounced his native allegiance.

The same depositions show, also, with sufficient certainty, that, in a technical sense, Shaver has retained a domicile in Canada. But they do not at all disprove the fact of continuous residence, occupation, and activity in the United States, as a citizen or resident thereof, which has been set forth by the undersigned in his previous communications on the subject. He was so residing, and engaged at Louisville, in Kentucky, at the time of his arrest. Upon this point we have the corroboration of a public advertisement for the year 1861, which was extensively distributed, and posted by Shaver himself throughout the southwestern and western States, with a view to attract travellers in those quarters to the Grand Trunk railway. This notice was specially addressed to the inhabitants of New Orleans, Memphis, Cairo, St. Louis, Louisville, Cincinnati, and Chicago. Shaver signed this advertisement as passenger agent for the southwestern States. The undersigned, upon reviewing the whole case, is of opinion that John J. Shaver, at the time of his arrest, had, for present advantage, waived and lost his domicile in Canada, and had assumed, and given out to whomsoever was concerned, that he was a resident dwelling within the United States.

Wherever born, and wherever living, Shaver owed obedience to the laws of the United States while enjoying their protection, and he had no right to engage in any seditious proceedings or practices which could endanger the public peace or safety, and he was necessarily amenable to the surveillance of the police, when it became necessary to exercise it.

The undersigned cannot regard the depositions which have been submitted to him on behalf of Shaver as sufficient in any way to discredit the testimony of Sears P. Thompson. That evidence shows that Shaver, at a critical period of the present political disturbances of the country, held forth seditious conversations at different times, and that he persisted in that course of conduct after frequent warnings. The government had found it necessary to prevent treasonable conversations and correspondence between the insurgents in insurrectionary regions and sympathisers, aiders and abettors, in the States which yet remained undisturbed. Shaver claims that in his conversation he only went to the extent of making free comment on passing events. But he cannot complain if the language he held was so indiscreet and injurious as to draw upon him the watchful suspicion of the authorities engaged in finding out and arresting agents and emissaries of the insurrection. His occupation was just such a one as enabled him to act in such a capacity with effect, and, therefore, such as to draw upon him the attention of a vigilant police. He was found frequently travelling over a known line used for secret communication by the agents of the insurrection, in violation of the executive proclamation. He had luggage which was adapted to the forbidden purpose, and his conversations brought his loyalty or his neutrality into distrust.

Lord Lyons takes notice of the fact, that in the statement of the case which has been heretofore made by the undersigned, the effect of testimony is sometimes given without specifying the sources from which it is derived. Some of the de-

positions in the case contain matters foreign from Shaver's case, and the general form of statement which Lord Lyons has noticed was therefore adopted. I may now specify that J. H. Noyes testifies that he made the acquaintance of Shaver about the first of May, 1861, while Noyes was engaged as clerk of the Russell House at Detroit; that he knew nothing of Shaver's history before that time; that he represented himself to be general agent for the Grand Trunk railroad; that Louisville, Kentucky, was his headquarters; that, as Noyes thinks, he saw Shaver the last time in August, 1861; he told Noyes that his next trip south would be to New Orleans, and offered to procure passes for Noyes if he would accompany Shaver. Noyes asked Shaver if there would not be difficulties in getting through to New Orleans on account of our national troubles. Shaver assured him that there would be none; that he, Shaver, was a Canadian and a neutral, and that he could easily get passes on any of the railroads of the southern (insurrectionary) States. He wrote to Shaver to send him some letters to Richmond, (Virginia,) addressed to Lieutenant Parker, a prisoner there, and thinks Shaver told him he intended to visit Richmond, which is a principal seat of insurrectionary operations. Thus it appears that he was preparing, without the consent of the authorities of the United States, to visit the insurrectionary region, and even towns and ports held by the insurgents, and claiming to enjoy facilities for free and unrestricted intercourse, with facilities for travel, which were strictly prohibited; and to these suspicious outgivings he recklessly added invitations to others to join him, and the offer to carry forbidden correspondence.

Albert Davis makes a deposition, to the effect that he met Shaver in Detroit about October 16, 1861, and that they travelled thence together to Quebec. Davis says: "Between Detroit and Toronto he asked me, 'What is your business?' I replied, 'I have got papers to deliver to one of our Southern Confederacy on board the steamer Norwegian.' He replied, 'God! I am in the same business.' 'The devil you are!' I replied, 'I thought you was the agent of the Grand Trunk railroad.' He then said, 'So I am, and that helps me; on that account no one would suspect me.'" Davis proceeds: "When the United States vessel (I think the Anglo Saxon by name) arrived from England at Quebec, we met on board of her, and then fell in company with John Muir, of New Orleans, H. A. Nesbit, of Georgia, member of the rebel Congress, and General Magruder, of the rebel army. We also met at Montreal. Then he (Shaver) told me that he could get five thousand for delivering what he had, and that he intended to make it. I told him that he might be caught. He replied: 'They can't catch me; I am smarter than any Americans.'" Davis further says: "I saw him for the last time in Toronto. When he left there he had three trunks; two of them were loaded—with what, I cannot say. I asked him if he had all his fixings. He replied, 'Yes, I have.'"

The undersigned regards these proofs as establishing all the statements in regard to John J. Shaver contained in the note of the undersigned of the 30th day of May last, except the statement relating to Shaver's trunk, and his avowal that he had parcels in some express office, which he expected to receive to carry South, and that the empty trunk was to be used for the purpose of packing the same. The affidavits upon which those statements were made have been mislaid, and they are not available at this moment. But Shaver admits the fact, that the trunks which he carried coming north were light, and when going south were heavy. His explanation of the matter, that he carried trunks filled with railroad tickets on each trip to Louisville, which were disposed of before his return, seems unreasonable, and does not gain credit with the undersigned. His further statement, that on every occasion of his going south these trunks were searched, if it could be believed without proof, would raise a presumption that, being searched at the military border, and found free from contraband, they were really intended to be filled up at express offices on the way, with articles of commerce.

In conclusion, the undersigned is obliged to regard the precautionary arrest of John J. Shaver as one which was properly made, in view of the circumstances of the case, and his complaints of undue rigor and hardship, as being without just foundation.

The undersigned avails himself of the opportunity to renew to Lord Lyons the assurances of his high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

P. S.—Pursuant to his request, the deposition which accompanied Lord Lyons's note is now returned.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 9, 1863.*

SIR: I have had the honor to receive the note, dated the day before yesterday, in which you refer to the communication which I made to you, on the 20th ultimo, of the view taken by Vice-Admiral Sir Alexander Milne of the verbal announcement made by Commander Malcolm, of her Majesty's ship *Barracouta*, to the consul of the United States at Nassau.

I learn with great satisfaction that instructions have been given to Rear-Admiral Wilkes to render, on all occasions of intercourse with the British navy, courtesies due to the naval officers of a friendly nation. I will lose no time in conveying this information to her Majesty's principal secretary of state for foreign affairs, and to Vice-Admiral Sir Alexander Milne. I can confidently assure you, that it is the earnest desire of both that the intercourse between the naval officers of the two countries shall be conducted with the utmost courtesy and cordiality.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 10, 1863.

MY LORD: Referring to your private memorandum of the 19th ultimo, relative to Francis Carroll, and to my reply, I now have the honor to inform you that, under date of the 7th instant, he was ordered to be discharged from Fort Lafayette on his parole, to report forthwith, personally, to General Schenck for further order, and that General Schenck has been advised thereof.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 1th instant, relative to the circumstances under which the United States ship

Tuscarora recently exercised the belligerent right of visit, in the case of the British merchant vessel *Thistle*, and to inform you that a copy of it has been communicated to the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 11, 1863.

MY LORD: Referring to the correspondence which has taken place between us relative to the capture of the schooner *Mount Blanc*, I now have the honor to enclose to you, for your information, the copy of a letter, of the 2d instant, from the attorney of the United States for the southern district of Florida, from which it will be seen that that vessel has been restored to the master and claimant.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 16, 1863.

MY LORD: I enclose extracts from a letter of the 20th ultimo, addressed by the United States consul at Nassau to the Secretary of the Navy, from which it appears that undue partiality has been shown by the authorities there to the insurgent steamer which left England under the name of the *Oreto*, but now claims that of the *Florida*.

You will much oblige me by making inquiry in regard to the representations of Mr. Whiting upon this subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

NAVY DEPARTMENT,

February 12, 1863.

SIR: I have the honor to submit herewith an extract from a despatch, dated the 26th ultimo, received from Consul Whiting at Nassau, relative to the arrival of the rebel steamer *Oreto* at that port, and the permission given her to coal. This is in strong contrast with the conduct of the same authorities, who would not permit the United States steamer *Dacotah*, the cruiser of a friendly nation, such privilege. The semi-piratical vessel, whose special object is to depredate on the peaceful commerce of a friendly nation, has every facility to aid him from the colonial authorities at Nassau, while the public ships of that nation which is striving to protect commerce is denied these privileges.

It appears to me proper that the attention of her Majesty's representative should be called to these extraordinary proceedings, in order that they may be

communicated to his government, and it is with that view that I have the honor to submit these suggestions, and the accompanying extract from Mr. Whiting's despatch.

Very respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD, *Secretary of State.*

No. 2.]

UNITED STATES CONSULATE, NASSAU, N. P.,
January 26, 1863.

SIR: I have the honor to inform you of the arrival at this port, this morning, of the confederate steamer Florida, late the noted Oreto, Maffit, late of the United States navy, commander.

This pirate ship entered this port without any restrictions, with the secession flag *at her peak*, and the secession war pennant *at the main*, and anchored abreast of her Britannic Majesty's steamer Barracouta, Maffit and his officers landing in the *garrison boat*, escorted by the port-adjutant, Williams, of the 2d W. I. regiment.

* * * * *

The privateer soon after anchoring commenced coaling, by permission of the authorities—an evidence of the perfect neutrality which exists here, where the United States steamer Dacotah, but a few months since, was only permitted to take on board twenty tons of coal from an American bark, off Hog island; and only then, on Captain McHistry and myself pledging ourselves, in *writing*, that within ten days after leaving this port she would not be cruising *within five miles of any island of the Bahama government.* * * *

I have the honor to be, sir, very respectfully, your obedient servant,

SAMUEL WHITING,
U. S. Consul.

Hon. GIDEON WELLES,

Secretary of the Navy, Washington.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 17, 1863.*

SIR: Her Majesty's government have had under their consideration the note dated the 12th of November last, which you did Mr. Stuart the honor to address to him, in the case of the Sunbeam.

In that note you observe that the statements of the seamen of the Sunbeam do not seem to you to warrant the complaint that a pressure of any kind was made upon them; and you then (as it appears to her Majesty's government) take up, in substance, the position that, provided no violence be used, it is perfectly competent to the United States government to induce her Majesty's subjects to act as belligerents, contrary to the law of Great Britain, and in direct opposition to the principles of international law contended for by the United States minister at her Majesty's court in the case of the Alabama.

I am directed to state to you that her Majesty's government regret your declaration, and regard it as being inconsistent with the obligations of a belligerent towards a neutral, and as being calculated to embarrass her Majesty's government in their endeavors to observe a strict neutrality in the present war.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD, *Secretary of State.*

Lord Lyons to Mr. Seward.

WASHINGTON, *February 18, 1863.*

SIR: I have the honor to acknowledge the receipt of your note of this day's date, relative to the capture of the schooner *Elias Reed*.

With regard to the question whether or no the capture took place within the territorial jurisdiction of Great Britain, I think it right to submit to you the enclosed petition, addressed to me by William Blakeney, master of the *Elias Reed*, as well as the authenticated copies of Blakeney's protest, and of the proceedings in the prize court at Key West, which are appended to it.

It appears that the Secretary of the Navy was not acquainted with the details of the proceedings of the court when he wrote to you the letter dated the 14th instant, of which you have done me the honor to send me a copy.

I shall be very much obliged if you will be so good as to return to me the documents enclosed in the present note.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD, *Secretary of State.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 18, 1863.

MY LORD: Referring to your communication of the 28th ultimo, relative to the capture of the *Elias Reed*, and to my reply, I now have the honor to enclose to you the copy of a letter of the 14th instant addressed to this department by the Secretary of the Navy on the subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

NAVY DEPARTMENT, *February 14, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 31st ultimo, enclosing a copy of a note addressed to you by Lord Lyons, accompanied by an affidavit, in reference to the seizure of the schooner *Elias Reed*.

The *Elias Reed* having been sent into court for adjudication, the question of her seizure, as alleged, in British waters, will doubtless come up and receive all due attention. I do not see that this department can take action in the matter. In the report of the seizure of the schooner it was not admitted that she was in the waters or the territorial jurisdiction of her Majesty; but, on the other hand, her capture is stated to have been about four miles from the adjacent keys. Under the circumstances it seems proper that Commander Collins, who made the seizure, should be called on for a supplementary report, and I have accordingly written to him for such, furnishing him with a copy of the affidavit communicated with Lord Lyons's note.

Very respectfully, your obedient servant,

GIDEON WELLES, *Secretary of the Navy.*

Hon. WM. H. SEWARD, *Secretary of State.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, February 19, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 17th, which is a reply to the communication that I had the honor to address to you on the 12th of November last upon the subject of the statements of the seamen of the *Sunbeam*.

On re-examining the decision of this government, which was announced on that occasion, with a sincere wish to conform it, if possible, to the desires of her Britannic Majesty's government, I have been unable to discover that it was erroneous, in view of all the facts and circumstances belonging to the case as it was then stated. But it would be doing injustice to this government were I not to advise you that it does not acquiesce in the construction which is given to my former communication in the following portion of your note, namely: "You then, as it appears to her Majesty's government, take up, in substance, the position that, provided no violence be used, it is perfectly competent to the United States government to induce her Majesty's subjects to act as belligerents, contrary to the laws of Great Britain, and in direct opposition to the principle of international law contended for by the United States minister at her Majesty's court in the case of the *Alabama*." I cannot doubt that Earl Russell, if he shall think the matter of sufficient importance to recur to the correspondence, will discover that my former note has been unintentionally misconceived by him in this particular.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, February 20, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of yesterday, relative to colored emigrants from the United States for service in the British West Indian colonies, and to inform you that a copy of it has been sent to the Secretary of the Interior for his information and consideration.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, February 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note dated the 12th instant, accompanied by the petition and protest of Captain Blakeney, of the schooner *Elias Reed*, and of the proceedings of the prize court at Key West concerning that vessel, all of which papers will be submitted to the Secretary of the Navy, who has not yet received Commander Collins's supplementary report. Your lordship is doubtless aware that the laws of the United

States provide for appeal from the decisions of the prize courts in such cases. Under the circumstances it is not perceived that this case is one in which the executive branch of the government ought to interpose, instead of leaving the parties to appeal to the superior tribunal.

I have the honor to be, with the highest consideration, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 19, 1863.*

SIR: I have the honor to acknowledge the receipt of your note of the 16th instant, enclosing a copy of a despatch addressed by the United States consul in the Bahamas islands to the Secretary of the Navy, in which certain statements are made concerning the reception of the steamer Oreto or Florida at Nassau.

I will, in compliance with your request, make inquiry with regard to those statements, and I will, without loss of time, do myself the honor to communicate the result to you.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *February 21, 1863.*

SIR: I have the honor to call your attention to the enclosed copy of a letter addressed to me on the 12 instant by Mr. J. M. Vernon. I received a copy of the letter from her Majesty's consul at New York the day before yesterday, but the original has not yet reached me.

Mr. Vernon states that he is a British subject; that he was a passenger on board the steamer *Huntress*, bound for Nassau, which was burned at sea, thirty miles from Charleston harbor; that he, with the crew of the *Huntress*, took to their boats, and that they were picked up at sea by the United States ship *Quaker City* on the 18th of January last; that he himself was afterwards detained on board various United States vessels, and that he has finally been sent as a prisoner to Fort Lafayette. He demands that his case be investigated, if there be any charge against him, or that he be immediately set at liberty.

Her Majesty's consul at New York informs me that he finds, on inquiry, that Mr. Vernon is a British subject, born at Liverpool, and not naturalized in the United States. I therefore deem it my duty to recommend the case to your immediate consideration.

I have the honor, &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Vernon to Lord Lyons.

FORT LAFAYETTE, *February 12, 1863.*

MY LORD: I beg leave to place before your lordship the facts pertaining to my incarceration, and would most respectfully ask your lordship, as United States minister of her Britannic Majesty, to have the matter investigated, and that I may be set at liberty.

I am a subject of Great Britain, and have commercial relations and personal interests in New Orleans, Memphis, and the State of Georgia. I have been in England and the continent (except about three months) from 1858 to 1861. I returned to this country to protect my interests, and pursue my legitimate business of importing and exporting, and to protect my interest. My business and interests called me to London, and I took passage in the steamer *Huntress*, (bound for Nassau,) which was burned at sea, thirty miles off Charleston harbor. It was blowing almost a gale when we took to our boats, saving nothing but the clothes on our backs. We were four hours in the boats, and we were picked up as castaways at sea, on the 18th of January last, by the Quaker City, United States navy. We were detained on board this ship and the Powhattan until the 26th of January, when we were transferred to the Vermont at Helen Head, and then to the United States steamship *Circassian*, of United States navy, bound for New York. We were detained at Helen Head six days, and arrived at Fortress Monroe on the 2d of February, at which place I wrote to your lordship, and also demanded my release, or to be sent to Washington, which was refused.

We arrived in New York on the 8th instant; was detained on board until the 10th instant. I was then taken before the United States marshal, who asked me "who I was, and where born;" who peremptorily ordered me to the "house of detention." On the 11th instant a gentleman called for me, then asked my name, age, nationality, &c. When given, I told him I had written to the marshal, and requested that I be taken before the British consul; that I was a British subject, and had been deprived of my liberty long enough; and that if the United States government had anything against me, I desired to know, and have the matter investigated. He told me all that would have his attention, and that he had a special despatch from Washington in relation to me. I learned afterwards that this was Mr. Murray, United States marshal. About an hour after this interview officers arrived and took me to this fort, with a fellow passenger, the captain of steamer, and three engineers.

I am here without any clothing save what I have worn since my capture.

I am confined, for what offence I know not, being picked up in an open boat, struggling for life as an outcast at sea, saved as a case of humanity, and now treated as a condemned prisoner in a United States fortress, without any trial whatsoever,

As a non-combatant, pursuing my own legitimate business, and owing to neither belligerents any allegiance whatever, I have been by force deprived of liberty, and even the necessary commodities pertaining to the wardrobe of a gentleman.

I do sincerely ask your lordship that this matter may be placed before the honorable Secretary of State at Washington, and that I be removed to Washington for investigation, should the United States government have any charges to prefer against me, or that I be immediately set at liberty.

I have the honor, &c.,

J. M. VERNON.

LORD LYONS.

P. S.—I would also state that I am the commercial and financial correspondent of the *Times*, *Telegraph* and *Economist*, London.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 23, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your note of the 4th instant, relative to the circumstances under which the United States ship Tuscarora recently exercised the belligerent right of visit in the case of the British merchant vessel Thistle, the Secretary of the Navy states that the commander of the Tuscarora, Commander T. A. M. Craven, reported to the Navy Department merely the facts of the visit, without any detail of the circumstances attending it; that if the facts have been correctly represented to the British government by the parties complaining, the conduct of Commander Craven is deemed censurable; that the department has written to him to that effect, instructing him as to the error which he is supposed to have committed; that it is not probable that he intended any offence, or knew that he was giving any just ground of complaint; and that he has been required to furnish the department with a more detailed report of the occurrence.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, February 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 21st instant, accompanied by a copy of a letter addressed to you by Mr. J. M. Vernon, who claims to be a British subject, who was rescued from the steamer Huntress, a blockade-runner from Charleston, and subsequently committed to Fort Lafayette.

In reply, I have the honor to acquaint you that the case shall forthwith be examined, with a view to such further proceedings as the result may appear to call for.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

WASHINGTON, February 24, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 21st instant, enclosing the copy of a form of oath which, it is said, is required to be taken by aliens as well as citizens, as a condition of being allowed to carry on manufacturing or commercial business at Memphis, in Tennessee, and expressing the hope that some modification will be made in the terms of it in cases in which it is tendered to British subjects.

In reply, I have the honor to inform you that the attention of the Secretary of War has been invited to the matter.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 24, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 21st instant, relative to the case of Mr. J. M. Vernon. In reply, I have the honor to acquaint you that I have received from the Navy Department information which raises distinctly the question whether that person is, in fact, a subject of Great Britain.

However this may be, the information further shows that he has been domiciled an indefinite period, if not for his whole life, in this country, claiming to be a citizen and exercising the rights of citizenship; that he has been, and yet is, an open, avowed, efficient, and dangerous confederate of the insurgents in their treasonable rebellion; and that he was actually engaged as such when he was arrested by naval authorities of the United States, with the evidences and instruments of his crimes upon his person.

His case is now under consideration of the War Department, with a view to his trial by a proper tribunal for the crime of treason, or such other crime as the judge advocate general of the United States shall think is constituted by his offences.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, February 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, asking for certain authentic information respecting the trade between the Atlantic and Pacific ports of the United States, by way of the isthmus of Panama, and to state that it has been referred to the Secretary of the Treasury, with a view to his enabling me to satisfy the inquiry.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 1, 1863.*

SIR: Her Majesty's government has learned with great surprise and regret that a large sum of money was put on board one of her Majesty's ships off Mobile by Mr. Magee, the acting British consul, and, in compliance with a requisition made by him, conveyed in that ship to Havana, and put on shore there. It appears that the money in question was placed in Mr. Magee's hands by agents of the State of Alabama, and was destined to pay interest, due to British subjects, and payable in London, on bonds of that State. But this circumstance has not affected the view taken by her Majesty's government of the transaction. They consider the conduct of Mr. Magee to have been entirely at variance with the duties of an agent of a neutral power, and they have

directed me to inform you that, on becoming acquainted with his proceedings, they have, without any delay, sent orders to me to dismiss him from their service.

Her Majesty's government have instructed me to say, further, that they greatly regret that any person in their employment should have been guilty of such conduct as that which has led to the immediate dismissal of Mr. Magee.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 2, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 1st instant, which informs me her Majesty's government had learned with surprise and regret that the acting British consul at Mobile had put a large sum of money on board of a British ship-of-war at that port, on account of the State of Alabama, and that, in compliance with his requisition, the money had been conveyed to Havana.

Your note further informs me that her Majesty's government have disapproved this proceeding of the said consul, and had, in consequence thereof, peremptorily dismissed him from the public service.

I am instructed to express to you the President's satisfaction with this prompt and just vindication by the British government of its authority and honor, and of its determination to compel respect by its agents for the laws and authority of the United States.

Trusting that you will communicate these sentiments to her Majesty's government. I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 3, 1863.

MY LORD: Referring to your memorandum of the 19th ultimo, relative to colored emigrants from the United States for service in the British West Indian colonies, and to my reply, I now have the honor to enclose to you the copy of a letter of yesterday, from the Secretary of the Interior, on the subject, together with a copy of the despatch to Mr. Adams, therein referred to.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1863.

SIR: I have the honor to inform you that I have read and considered the memorandum of Lord Lyons, relative to the emigration of colored persons,

which was transmitted to this department by you on the 20th ultimo, and, in reference thereto, to state that, upon the assumption that the guarantees specified in your despatch to Mr. Adams, the American minister at London, dated the 30th of September last, will be secured to the emigrants by her Majesty's government, I regard the proposition with favor, and will cordially co-operate in carrying out the proposed arrangement, if it shall be concluded by the governments of her Majesty and the United States.

I am, sir, with much respect, your obedient servant,

J. P. USHER,
Secretary of the Interior.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 3, 1863.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, respecting the dismissal of Mr. Magee from the office of acting consul at Mobile, and to inform you that, in compliance with your request, I immediately forwarded a copy of it to her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 4, 1863.*

SIR: I have the honor to inform you that, in consequence of the dismissal of Mr. James Magee from the office of acting British consul at Mobile, the charge of her Majesty's consulate at that place will be placed, temporarily, in the hands of Monsieur Portz, vice-consul of France.

I am about to request the commander-in-chief of her Majesty's naval forces in these seas to send one of her Majesty's ships to Mobile to convey instructions from me to Mr. Magee to transfer the charge of her Majesty's consulate to Mr. Portz, and instructions from the minister of the Emperor of the French to Mr. Portz to take charge of the consulate.

I propose to suggest to the commander-in-chief that the captain of the ship sent with these instructions be authorized to bring Mr. Magee away from Mobile, and be, at the same time, enjoined to be careful not to take any article on board which is not *bona fide* a part of Mr. Magee's own personal effects.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 5, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your note of the 12th [18th] ultimo, and the documents therein

referred to, relative to the capture of the schooner *Elias Reed*, the Secretary of the Navy states that, upon examining those papers, it does not appear to the department that they furnish proof in support of the claim made; that the master of the vessel represents that he was excluded from appearing as a claimant in the prize court, on the ground that he was an alien enemy, which he was by his own admission; that, as master, he was the most important witness on the examination *in preparatorio*; that he does not state in his answer to the interrogatories that the vessel was captured within British territorial jurisdiction; that it is not so stated by the other witness, (de Roediger,) whose deposition is exhibited; that it is to be presumed, therefore, that there was no testimony to that effect on the examination, although the master had the opportunity, in his answers to three separate interrogatories, to bring the point distinctly before the court; and that it was the only point on which he could hope to escape condemnation. Mr. Welles concludes by saying that no further report has been received from Commander Collins on the subject.

The documents which accompanied your note are herewith returned to you.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 6, 1863.

MY DEAR LORD LYONS: I think it not unreasonable, in view of the late transactions at Mobile, to ask that renewed instructions may be given to British war vessels on the coast of the United States to avoid all other than legitimate occupations in their visits to the ports held by the insurgents.

I am, with great respect, your humble servant,

WILLIAM H. SEWARD.

Right. Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, March 7, 1863.

SIR: I have the honor to transmit to you an extract from a letter addressed by Mr. Dillet, an attorney of Nassau, to her Majesty's secretary of state for the colonial department, which will explain to you the circumstances under which the note which you did me the honor to address to me on the 8th of May last, respecting the case of the British schooner *Telegraph*, has remained so long without a reply.

I am now instructed to represent to you that her Majesty's government have considered the further statement of facts contained in Mr. Dillet's letter, and that that statement appears to them to establish, beyond contradiction, that the seizure and detention of the *Telegraph* were unjust and vexatious acts.

The *Telegraph* was clearly a neutral ship; she had no contraband on board; there was nothing on which to found a suspicion of an intention to run the blockade; she had received, as is admitted, distinct permission from the collector of customs at Key West to touch at Vaceus for wood, and her clearance was, according to the same collector's admission, perfectly proper and regular.

The neutral ship ought not to suffer from any mistake of the belligerent commander, and, moreover, it is clear that an order of the American flag-officer, dated

on the 19th of December, 1861, could not affect or justify the conduct of Commander Sprott in the November preceding.

The seizure of the Telegraph was, in these circumstances, in itself an act of violence.

But it is further to be observed that the manner in which the belligerent right of visit and search was exercised was, as regards both the ship and the crew, unjustifiable. As to the ship, because Commander Sprott ought to have carried into effect his right of search on board the vessel itself, and had no right, except in a case of necessity, which this was not, to order the papers to be brought on board his own ship. And as to the crew, because the treatment of William Fisher was an unjustifiable act of violence and cruelty.

The excuse offered by the United States commander for forcibly taking a British sailor out of a British ship, and for putting him in irons for three days and three nights on board of an American ship-of-war is, that at one time the sailor, under the provocation of a seizure which always was, and which is now, proved to have been unjust, swore loudly on board his own ship.

But it cannot be seriously maintained that this was a valid excuse for illegally taking a neutral subject out of a neutral ship, and for treating him for a length of time like a felon, or that any neutral state would accept such an excuse as satisfactory.

Her Majesty's government have accordingly instructed me to make the foregoing representation to you, and to claim reasonable compensation from the United States government: first, for the illegal detention of the ship, and secondly, for the gross ill treatment of the sailor William Fisher.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD, &c., &c., &c.

Extract of a despatch from W. S. Dillet to the Duke of Newcastle.

It was only yesterday that your grace's despatch of the 12th of June last (No. 260) was communicated to me, the inadvertence having been caused by the indisposition of Governor Bayley. * * * *

Taking the explanation of the United States authorities as it stands upon paper, and as transmitted, your grace will not require any very urgent reasoning to be satisfied that a very great injustice has been done to the parties, and that great wrongs were done to Mr. Fisher, who was put in irons.

Collector Howe states that the Telegraph cleared from Key West for Abaco on the 28th November, with passengers, (who in the protest, transmitted to Earl Russell, were alleged to be Abaconians returning home,) and baggage and a barrel of rum; that he warned the master from going anywhere near the mainland, and had acquiesced in his wish to stop at one of the keys to procure firewood for his vessel, in which he saw no impropriety.

In the protest referred to the appearers allege and say they stopped at Vaccus, one of the Florida cays, to obtain a supply of wood and water, as no wood could be bought at Key West, and water only at a high price, the said master having obtained permission from Mr. Howe, now or late collector of customs at Key West, to procure both thereat, he being the owner of the cay.

Your grace will perceive that it is not even pretended that the master of the Telegraph disregarded the warning of Collector Howe; and while that officer admits he acquiesced in his procuring firewood for his vessel's use, he does not deny the allegation set forth in the protest as to the permission granted, and his being the owner of Vaccus cay, or land thereat. Thus far, then, there was no wrong committed by Captain Fisher, who, being ignorant of Flag-Officer Mer-

win's letter of the 14th of June, 1861, had, nevertheless, according to Mr. Howe's statement, a proper and regular clearance.

The order of Flag-Officer McKean, of 19th December, 1861, addressed to Lieutenant Sprotts, not to regard any verbal permission granted at the custom-house for vessels to touch at any of the keys, of which he was to inform the collector, was, therefore, so far as the *Telegraph* was concerned, an *ex post facto* order, and could have no reference to that vessel.

Now, with respect to Lieutenant Sprott's report of the 21st April, 1861, to the Hon. Gideon Welles, he says he told the master of the *Telegraph* that his touching at Vaccus key, having cleared for Abaco, was in direct violation of his orders. It does not appear from the correspondence that there was any such order until that of the 19th December, referred to above.

Lieutenant Sprotts says on his arrival at Key West he communicated with Collector Howe, whose reply, marked C, and which I take to be the letter of the 14th December, prompted him to release the *Telegraph*. This statement seems to be wholly at variance with the line of conduct pointed out by Mr. Howe; for, says he, "if he," meaning the master of the *Telegraph*, "acted otherwise than in good faith, and violated any law of the revenue or navy, he has laid himself liable to penalties;" and finally suggests "the propriety of Lieutenant Sprotts turning the case over to the United States district attorney for investigation." I dare say it will appear to your grace, as it does to me, very strange that such a letter as this should have influenced Lieutenant Sprotts, or prompted him to release the vessel. One would rather suppose it would have induced him, if he supposed a wrong had been done, to follow the course pointed out by the collector.

The complainants are residing at Abaco, and I shall not be able to communicate with them for some time respecting the truth of the allegations made by Lieutenant Sprotts, that William Jones Fisher was drunk and used the language imputed to him.

But, even admitting that he was drunk and abused the officers of the *Wanderer*, what maritime or other right had Lieutenant Sprotts to order him from on board his own vessel to the *Wanderer*, and to place him in irons or handcuffs for three days and three nights? What right had he to order the master of the *Telegraph* to bring his papers on board the *Wanderer*, instead of going himself, or sending an officer, to exercise the belligerent right of search? Is it because Lieutenant Sprotts considered it necessary to place a British subject under such restraint that her Majesty's government will indorse his acts, and hold him and his government harmless?

The circumstances of this case, even as set out by Lieutenant Sprotts, cannot, I feel satisfied, justify his conduct in the premises, and as detailed in the protest, as *at the time* he had no order to seize and carry the *Telegraph* back to Key West because she touched at Vaccus key, either for investigation or otherwise; but if he thought he had, it turned out that he was wrong, because the collector himself had given the master permission to do so, and saw no impropriety in it. And he being a government official, an innocent party ought not to suffer with impunity the wrongs to which the complainants have been subjected.

I trust your grace will give the case your serious attention; and that her Majesty's government may view it as one entitling the owner, master, officers and crew of the vessel to pecuniary compensation for what appears to be a very unjust and unlawful seizure of the vessel, and illegal imprisonment of J. W. Fisher.

*Lord Lyons to Mr. Seward.*WASHINGTON, *March 7, 1863.*

SIR: With reference to the despatch from Earl Russell to me, dated the 23d day of January, 1862, of which I had the honor to place a copy in your hands on the 13th of the following month, her Majesty's government, being desirous to prevent the occurrence of any matter of painful discussion with the government of the United States, have directed me to enter frankly into communication with you on a subject which causes them to feel some anxiety.

They have been informed that Rear-Admiral Wilkes has publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers, or other passengers, belonging to the so-called Confederate States.

Her Majesty's government hope to receive an assurance from the government of the United States that the rear-admiral will be instructed not to treat any British mail packet, bound to a neutral port, in the ordinary course of her engagements, as liable to capture or detention, upon the sole ground that, among the persons she has on board, proceeding, as ordinary passengers, to her proper neutral destination, there may be some, whether officers or civilians, who may belong to the so-called Confederate States.

I have the honor to be, with the highest respect, &c.,

LYONS.

Hon. WM. H. SEWARD, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 9, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 7th instant, in which it is stated that her Majesty's government have been informed that Rear-Admiral Wilkes has publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers or other passengers belonging to the so-called Confederate States, and to inform you that the attention of the Secretary of the Navy has been invited to the subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 14, 1863.

MY LORD: With reference to your note of the 7th instant, relative to the report that Rear-Admiral Wilkes had publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers or other passengers belonging to the so-called Confederate States, and to the reply of this department, I now have the honor to enclose, for your information, the copy of a letter which the Secretary of the Navy addressed to Acting Rear-Admiral Wilkes on the subject, under date of the 12th of this month.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD,
Assistant Secretary.

Right Hon. Lord LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
March 12, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, covering a copy of a note dated the 7th instant, addressed to you by Lord Lyons, relative to a report that Acting Rear-Admiral Wilkes had publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers, or other passengers, belonging to the so-called Confederate States, and to enclose herewith a copy of a letter I have this day written to Rear-Admiral Wilkes on the subject.

Very respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

HON. WM. H. SEWARD,
Secretary of State.

Mr. Welles to Rear-Admiral Wilkes.

NAVY DEPARTMENT,
March 12, 1863.

SIR: I transmit herewith a copy of a letter, dated the 9th instant, received from the Secretary of State, covering a copy of a note dated the 7th instant, addressed to him by Lord Lyons, in reference to a report that you had publicly threatened to capture a British mail packet, bound for a British port, on the sole ground of her carrying to that port officers, or other passengers, belonging to the so-called Confederate States.

The department trusts that there has been some misapprehension on this subject; or that if you have made, at any time, the public declaration ascribed to you, you will take no steps towards carrying it out, or which would lead to an unpleasant discussion between the government of the United States and that of Great Britain.

I am, respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Acting Rear-Admiral CHARLES WILKES,
Comd'g West India Squadron, Havana, Cuba.

Lord Lyons to Mr Seward.

WASHINGTON, March 16, 1863.

SIR: I beg to express my thanks to you for the note dated the 14th instant, with which you have done me the honor to send to me a copy of an order addressed by the Secretary of the Navy to Rear-Admiral Wilkes, with regard to British mail packets. I shall have great satisfaction in communicating to her

Majesty's government the order which the Secretary of the Navy has so readily issued.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March* 17, 1863.

SIR: Her Majesty's government having had under their consideration the note which you did me the honor to address to me on the 22d December last, relative to the case of the Will-of-the-Wisp, have instructed me to state to you, that they view with regret the answer you have returned to the representations which have been made to you in this case, and that they still hope that you will reconsider the matter.

The circumstances of the case appear to her Majesty's government to present so clear an instance of unwarrantable seizure, and the ground alleged by the judge for not awarding costs, at least, if not damages, seems to them to be so inadequate, on the face of it, that they cannot but think that the executive government of the United States might take measures for granting the redress prayed for, without subjecting the injured parties to the expense and delay of further judicial proceedings.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS,

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March* 19, 1863.

SIR: I have the honor to transmit to you a copy of a despatch which I received from the governor general of Canada, and to lay before you, in original, certain affidavits which accompanied it.

These papers appear to establish the fact that a serious violation of British territory was committed by a party of United States soldiers who crossed the frontier, armed and in uniform, entered a house in the township of Wolf Island, in Canada, and thence forcibly carried off a man named Ebenezer Tyler.

I do not doubt that, if the statements made in the enclosed documents be not disproved, the government of the United States will at once set Tyler at liberty, and offer to her Majesty's government due satisfaction for the violation of her Majesty's territory.

I beg you to be so good as to send the affidavits back to me.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

The Governor General of Canada to Lord Lyons.

QUEBEC, March 9, 1863.

MY LORD: I have the honor to inform your lordship that a report has been made to me, that on the 8th of January last four men, dressed in the uniforms of the United States army, entered the house of Otis Fuller Balcomb, situated in the township of Wolf Island, in the county of Frontenac, Canada West, and forcibly carried off from thence a man named Ebenezer Tyler.

I am further informed that Tyler was seen some days afterwards confined in prison as a deserter at Watertown, in the State of New York, and that he then stated that the persons who had seized him were Captain John A. Haddock, Enos, Graham, and Neville, all belonging to the United States army.

I herewith transmit to your lordship affidavits which seem to establish these facts; and I have to request that you will bring the subject to the notice of the United States authorities, in order that if, after due investigation, the statements made in the enclosed documents be ascertained to be true, Tyler may be released, and proper steps may be taken to prevent similar violations of British territory in future.

I have, &c.,

MONCK.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 20, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, with the accompanying papers, relative to a violation of British territory by a party of United States soldiers who crossed the frontier to the township of Wolf Island, in Canada, and there forcibly carried off a man named Ebenezer Tyler.

Assuming the statement upon the subject communicated by you to be correct, you correctly appreciate the sense of justice of this government by expecting that Tyler will be set at liberty, and that other proper reparation will be made to her Majesty's government. Your note will consequently be referred to the Secretary of War, with a request that an investigation of the matter be at once made, with a view to such further proceedings as the result may call for.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, March 23, 1863.

MY LORD: Referring to your note of the 21st ultimo, and to my reply, relative to the terms of an oath to have been administered to aliens, as a condition for carrying on manufacturing or commercial business at Memphis, Tennessee, I have the honor to transmit with this note a copy of a communication from the Assistant Secretary of War, of the 16th instant, upon the subject.

I have the honor to be, my lord, with the highest consideration, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Watson to Mr. Seward.

WAR DEPARTMENT,
Washington City, March 16, 1863.

SIR: The Secretary of War directs me respectfully to inform you that, on the reference to the Adjutant General of the communication of Lord Lyons, of the 21st ultimo, relative to modifying the terms of a certain oath in cases in which it is tendered to a British subject, to which attention was invited in your note of the 24th ultimo, and of which reference you were advised on the 6th instant, that officer has reported thereon, by transmitting the copy of a letter addressed by him, under the instructions of this department, to the commanding officer at Memphis, Tennessee, upon the point submitted by Lord Lyons, and enclosing the general order therein.

Copies of these papers are herewith transmitted for your information, which, it is believed, will satisfy Lord Lyons that no injustice to a British subject need be apprehended in the premises.

I have the honor to be, sir, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HON. WILLIAM H. SEWARD,
Secretary of State.

Assistant Adjutant General Townsend to Brigadier General Sherman.

WAR DEPARTMENT,
Adjutant General's Office, Washington, December 3, 1862.

SIR: The Secretary of State has submitted to the Secretary of War a note from the minister resident of Italy, presenting the complaint of an Italian subject residing in Memphis, Tennessee, named Michele, that he has been required to take an oath of allegiance to the United States as a condition of his being permitted to transact business at Memphis.

The Secretary of War directs me to say that such an oath, in so far as it requires an alien to bear allegiance to the government of the United States, is contrary to the spirit and letter of General Orders No. 82, (copy enclosed herewith,) which, while it leaves a military commander the right of excluding all dangerous persons from the limit of his command, and also, as a general rule, the right to prescribe conditions on which such persons may remain therein, does not permit even a qualified oath of allegiance to be exacted from an alien.

The Secretary directs that, if such an oath has been exacted from Michele, it shall be deemed null and void.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Brigadier General W. F. SHERMAN,
U. S. Volunteers, or Com'dg General, Memphis, Tennessee.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 23, 1863.*

SIR: I learn from a report made by the British vice-consul at Key West to her Majesty's consul at New York, that the district attorney at the former place does not appear to be aware of the wishes of the government of the United

States regarding the public mails of friendly powers found on board captured merchant vessels. I venture, therefore, to suggest that it would be advisable to give the district attorney instructions in the sense of your letter to the Secretary of the Navy, of the 31st of October last.

The mails were restored to the captain of the captured vessel in the case (that of the *Magicienne*) which has been specially brought to my notice; but it would seem that this was done on the ground of the illegality of the capture, and that, under other circumstances, the district attorney would have felt justified in detaining the mails.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 23, 1863.*

MY DEAR SIR: A British subject has written to ask me to inquire from you whether you will grant permits to British subjects to load ships with cotton in the Savannah river below the confederate obstructions. Will you be so kind as to tell me what answer I should make?

Yours, faithfully,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 24, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of the 19th instant, relative to the general order of the War Department, No. 82, of the 21st of July, 1862, concerning the administration of oaths to aliens, and to state, in reply, that the attention of the Secretary of War has been invited to it.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD,

Right Hon. LORD LYONS, *&c., &c., &c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *March 25, 1863.*

SIR: With reference to the note which you did me the honor to address to me on the 16th of last month, respecting the reception of the Oreto or Florida at Nassau, and to my answer dated the 19th of the same month, I beg to transmit to you copies of a despatch and its enclosures which I received the day before yesterday from the governor of the Bahama islands.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

CONFEDERATE STATES STEAMER FLORIDA,
Nassau, January 26, 1863.

SIR: As this vessel is in distress for the want of coal, I very respectfully request permission to anchor in the harbor for the purpose of obtaining the same.

I am, &c.,

J. N. MAFFIT,
Confederate States Navy, Commanding.

His Excellency the GOVERNOR,
New Providence.

—
 [Copy.]

I grant this request under the circumstances, thereby according to a confederate steamer the same privileges which I have formerly granted to federal steamers. But the irregularity in delaying to make this request should be pointed out, and the pilot called on to explain how he permitted the Florida without my permission.

C. J. BAYLEY.

GOVERNMENT HOUSE,
Nassau, Bahamas, March 11, 1863.

MY LORD: I have the honor to acknowledge your lordship's despatch enclosing a complaint from the United States consul at this port to Mr. Seward, the Secretary of State, respecting undue advantages alleged to have been given to the confederate steamer Florida in this harbor.

In reply I beg to state that no undue advantages were accorded to the Florida. She arrived in our harbor, having steamed over the bars without a pilot, early on the morning of the 26th of January. I was not aware of it till 8 or 9 o'clock a. m. About that hour Captain Maffit called (I think in company with the port adjutant) to explain that he was ignorant of my proclamation requiring that permission should be formally asked before any man-of-war belonging to either of the two belligerents could enter the harbor. I did not see him, but in a very short time I received a letter from him, of which I transmit your lordship a copy, along with the copy of the memorandum indorsed on it by myself before I sent it to the colonial secretary. The Florida remained in harbor about twenty-six hours, during which time I neither spoke to nor saw Captain Maffit.

So far from any advantage having been accorded to the Florida which was not accorded to United States vessels, she did not receive privileges equal to those which I granted to the United States gunboat Stars and Stripes. That vessel entered the harbor without permission, (which she asked for after she had come in.) Her commander then asked for an extension of the permission, which I also accorded, and she remained in harbor, if I remember rightly, three or four days for the alleged purpose of undergoing repairs.

I regret that the Secretary of State should have given credence to the misrepresentations of a person of such infirm judgment and excitable judgment as Mr. Whiting has proved himself to be.

I have, &c.,

C. J. BAYLEY, *Governor.*

LORD LYONS.

*Lord Lyons to Mr. Seward.*WASHINGTON, *March 26, 1863.*

SIR: I have the honor to transmit to you a copy of a despatch in which Commander Thrupp, of her Majesty's ship *Desperate*, has reported to Vice-Admiral Sir Alexander Milne that a shot was fired across the bows of that ship from the United States ship *Memphis* on the 26th day of last month.

I have also the honor to transmit to you a copy of a despatch addressed to me by the vice-admiral, in which he points out that this is the third instance in which a shot has been fired across the bows of one of her Majesty's ships by United States cruisers.

In compliance with the vice-admiral's request, I beg to represent to you that it is of great importance that United States officers should refrain from a mode of giving a first indication of their wish to communicate with her Majesty's ships, which appears to be opposed to recognized maritime usages, and to be inconsistent with the courtesy usually observed towards each other by the ships-of-war of friendly powers.

I cannot conclude without an acknowledgment of the friendly assistance which Commander Thrupp states, at the close of his report, that he received from Captain Turner, the commanding officer of the United States squadron off Charleston.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

*Commander Thrupp to Vice-Admiral Sir Alexander Milne.*HER MAJESTY'S STEAMER *DESPERATE*,
Fortress Monroe, March 2, 1863.

SIR: I have the honor to inform you, that when steaming along the land for Charleston, the fog was so thick that we could not see the blockading squadron until within three or four miles, when we counted eight steamers, anchored in line. We were steering, not towards Charleston, but direct for the nearest steamer. She weighed, and steaming towards us, *fired a shot across our bows*. I took no notice of the shot, but, as we passed her, we were hailed to know what steamer we were. I answered, and inquired which ship was the commodore's. They told me the second ship, and the United States steamer *Memphis*, that fired a shot across our bows, turned round and steamed with us to the senior officer's ship, the *New Ironsides*. Before anchoring I went on board of her and complained to Captain Turner, the senior officer, of the unnecessary and discourteous proceeding on the part of the officer commanding the United States steamer *Memphis* in firing a shot across our bows, seeing, at the time, we were steaming towards him, and had our ensign and a large pendant flying. He assured me that no insult was intended, and that the gun was fired to prevent our coming any nearer until we were boarded, and that, though we had the appearance of a man-of-war, they had lost so many ships by being courteous to apparent men-of-war. Vessels had hoisted English colors, and answered, when hailed, that they were English men-of-war, and afterwards fired into and sunk their ships; (he quoted a case in point, of the *Alabama* sinking the *Hatteras*, after she had said she was her Majesty's steamer *Vixen*;) that now, unless they knew an English man-of-war by her having been with them before, they were forced to adopt the rough, uncourteous measure of firing across their bows.

I told Captain Turner I did not see our case was at all similar, seeing that it was daylight, and the two ships within a mile of each other, close to his large squadron; also, that the shot fired did not stop us, nor were we asked to stop when hailed, and should, therefore, report the circumstances to my government. Captain Gordon, of the United States steamer Powhatan, the late senior officer of the squadron, who was present, said they had yet to learn that we were an English man-of-war; for all he knew, we might be the Alabama. They had certainly my word, also the outward appearance of the ship, but still no proof; their boat had not returned from boarding us; they had not seen my commission, (nor were they likely to see it.) He asked me to write a letter to Captain Turner, making the complaint, that the question might be settled, and the abuse of the English flag discontinued. I then stated that it was a question to be settled by our respective governments; I should send in my report, stating the whole case and circumstances to my own admiral, to which they both agreed.

But in making this report, I cannot conclude without mentioning that Captain Turner has behaved in a most courteous manner, giving us every assistance that we require, placing a man-of-war at our disposal, and towing our boat six miles to the edge of the reefs, letting her wait there to tow the boat back again, on her return from Charleston.

I have, &c.,

ARTHUR T. THRUPP, *Commander.*

Vice-Admiral Alexander Milne to Lord Lyons.

GALATEA, AT BERMUDA,
March 16, 1863.

MY LORD: I have the honor to forward to your lordship a copy of a letter I have received from Commander Thrupp, of her Majesty's steamer Desperate, respecting a shot that had been fired across the bows of that ship, from the United States ship-of-war Memphis, on her approaching the blockading squadron, off Charleston, on the 26th ultimo.

This is the third instance in which a shot has been, in my opinion, unnecessarily fired across the bows of one of her Majesty's ships by United States cruisers; and with every wish to avoid being too punctilious in the difficult and embarrassing circumstances in which the blockading ships are frequently placed, yet I cannot any longer pass over what would now appear to have become an established practice, and not a mere exceptional case, as your lordship will have inferred, from my despatch to you of the 17th ultimo, I was then disposed to regard that of the firing across Her Majesty's steamer Vesuvius, off Mobile, in January last.

Your lordship is of course aware that not only is it not the established custom, but it is very unusual, even during war, to fire, in the first instance, a shotted gun towards a strange vessel; and it is only when such vessel has declined or shown a disinclination to communicate, or obviously disregard the warning gun, that a shot is fired ahead of the stranger.

In the case of her Majesty's steamer Desperate, and that of her Majesty's steamer Vesuvius, off Mobile, as well as that of her Majesty's steamer Steady, off Charleston, (with which, however, I did not think it necessary, at the time, to trouble your lordship,) there was nothing in the circumstances attending the approach of her Majesty's ships to warrant recourse to this extreme and unusual measure, of shot being fired toward ships of a friendly nation: they had their colors flying; they were steering for the ships of the blockading squadron, from which they were still at a considerable distance; they had evinced no inclination to avoid the blockading ships, or the vessel detached to communicate with them;

and indeed their orders are most stringent to communicate invariably, as soon as possible, with the officers in command of the blockading squadron; and I am not aware that in these, or in any other instance, have officers under my orders failed to do so, or that they have exhibited any inclination to cause inconvenience to the officers in command of the United States ships-of-war, or offered difficulties or obstructions to them in the performance of their duties. I should be obliged, therefore, if your lordship would take an opportunity of suggesting to the United States government how important it is that their officers should refrain from a persistence in this unusual mode of giving a first indication of their desire to communicate with her Majesty's ships approaching blockaded ports, as, even if other vessels adopt, or have had recourse to the use of foreign ensigns, or other means of deception, their having done so cannot be held to justify recourse to practices toward ships-of-war of friendly nations, which are opposed to recognized maritime usages, and to the courtesies generally observed between ships-of-war of different nations when meeting.

I have, &c.,

ALEXANDER MILNE,
Vice-Admiral and Commander-in-Chief.

LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 27, 1863.*

MY DEAR SIR: With reference to the unofficial letters which passed between us on the 6th instant, I send you a copy of an order on the subject of intercourse with blockaded ports, which has been addressed by Vice-Admiral Sir Alex. Milne to the officers in command of her Majesty's ships under his orders.

Yours, faithfully,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

CIRCULAR.

NILE, AT BERMUDA, *February 16, 1863.*

SIR: The recent shipment of treasure from the blockaded port of Mobile, by her Majesty's ship *Vesuvius*, on the ground that it was certified by her Majesty's consul to be *bona fide* British property, having convinced me that an erroneous impression as to the legal effect of a properly constituted blockade too generally prevails, I deem it right to point out to the officers in command of ships under my orders that even communication by neutral ships-of-war with a blockaded port are *permissive* only, and to be regarded as a relaxation of the more rigid rule of war which formerly obtained, and which would probably be again reverted to in a great maritime war; and, further, that ships-of-war so communicating are not invested with a shadow of right to embark any property with the object of passing the blockade. The captains of her Majesty's ships under my orders are, therefore—unless at the requisition of her Majesty's minister at Washington, or with the written permission of the officer commanding the blockading squadron, which they are, however, on no account to seek or ask for themselves—to refuse to receive, for the above purpose, any specie or other goods, whether *bona fide* British or not, except the official despatches of British and French consuls, and those of such

consular officers of other powers in amity with the United States as are sent out in their official capacity and paid by their respective governments, and who are not engaged in trade.

I am, sir, your obedient servant,

ALEX. MILNE,
Vice-Admiral and Commander-in-Chief.

To _____,
Her Majesty's Ship _____.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 27, 1863.*

SIR: I have the honor to transmit to you a copy of a despatch which was addressed to me by Vice-Admiral Sir Alex. Milne, on receiving from me a copy of the note which you did me the honor to write to me on the 7th ultimo, concerning the intercourse between the officers of her Majesty's navy and those of the navy of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

GALATEA, AT BERMUDA, *March 16, 1863.*

MY LORD: I have received, with very great satisfaction, your lordship's despatch of the 5th instant, and its enclosures, from whence I learn that the United States government have instructed Rear-Admiral Wilkes to render, on all occasions of intercourse with the British navy, the courtesies due to the naval officers of a friendly nation. As your lordship is aware, all officers under my command have, from the very first, been enjoined to act in that manner towards United States naval officers; and I have reason to believe that this rule of conduct has been, and will be, rigidly observed, as I am satisfied they are, one and all, animated by a sincere desire to cultivate amicable and courteous relations with the United States navy. However, I feel bound to add, that the officers in command under my orders have almost invariably reported to me that they have met with every attention and courtesy from the United States officers with whom they have fallen in, in spite of the efforts made by a portion of the press to create an ill feeling between them.

I have, &c.,

ALEX. MILNE,
Vice-Admiral and Commander-in-Chief.

LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 25th instant, referring to the correspondence which has taken place between us relative to the reception of the Oreto, or Florida, at Nassau, and transmitting a copy of the despatch and its enclosures recently received by you from the governor of the Bahama islands, on the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 28, 1863.

MY LORD: I have had the honor to receive your note of the 26th instant, accompanied by a copy of a despatch addressed to you by the British vice-consul at Key West relative to the case of the British steamer Peterhoff, captured by the United States war steamer Vanderbilt. In reply, I have the honor to acquaint you that this department was not aware of the absence of the judge and district attorney from Key West, as stated by the vice-consul. Their absence, however, must, it is believed, be temporary, and such as will not interfere with the proper disposition of the case. But, with a view to guard against all contingencies, measures have been taken towards securing an investigation in another district, should this, through any cause, prove to be necessary. Meanwhile, application will be made to the Navy Department for any information which may have there been received in regard to the grounds of the capture of the Peterhoff.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 28, 1863.

MY LORD: I take great pleasure in acknowledging the receipt of the note you did me the honor to address to me yesterday, with a copy of a despatch of the 16th instant to you, from Vice-Admiral Sir Alexander Milne, concerning the intercourse between the officers of her Majesty's government and those of the navy of the United States.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 28, 1863.

MY DEAR LORD LYONS: I have the honor to acknowledge with great satisfaction the receipt of your note of yesterday, enclosing a copy of an order on the subject of intercourse with blockaded ports, which has been addressed by Vice-Admiral Sir Alexander Milne to the officers in command of her Majesty's ships under his orders.

I am, my dear Lord Lyons, very truly, yours,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *March 28, 1863.*

SIR: Her Majesty's government have had under their consideration the note dated the 14th October last, in which you did Mr. Stuart the honor to inform him that the proofs which he had laid before you in support of the claim of the owners of the Labuan would be transmitted to the court of admiralty at New York.

Her Majesty's government are of opinion that, having regard to all the circumstances of the case, and to the flagrant violation of law committed by the original seizure of the Labuan—a violation never from first to last denied by the government of the United States—the sending back this vessel to the prize court for further adjudication, as to costs and damages, is, even if technically correct, a practical evasion of the plain duty cast upon the government of the United States, to make without delay all the reparation in its power for an act of hostility towards a neutral and friendly State, condemned alike by the government and the legal tribunals of the United States.

The delay which has already been occasioned by the sending the case back to the prize court, is in the opinion of her Majesty's government, a serious addition to the injuries already sustained by the owners of the Labuan.

Her Majesty's government consider that, as the case now stands, the matter can only be settled between the two governments; for her Majesty's government could not admit that the decision of the prize court, if unfavorable to the claim, would release the government of the United States from the obligation of making ample reparation for so great an outrage upon neutral rights.

The question of the amount of compensation is, however, regarded by her Majesty's government as one that may properly be submitted to experienced and skilful mercantile persons.

Her Majesty's government also feel bound to observe that it is no small aggravation of the injury done to the owners, that, by reason of the delay occasioned by referring the case again to the prize court, the payment of the compensation to be awarded to them must, in all probability, be deferred until the re-assembling of Congress in December next.

Having, in obedience to the commands of her Majesty's government, made the foregoing representation to you, I beg you to accept the assurance of the high consideration with which I have the honor to be, sir, your most obedient humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 30, 1863.

MY LORD: I duly received your note of the 23d instant, on the subject of an alleged disregard by the United States attorney at Key West of the wishes of this government with reference to the mails of friendly powers found on board of captured vessels.

In reply, I have the honor to acquaint you that proper instructions upon the subject have been given to that officer.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 31, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 26th instant, accompanied by a copy of a despatch in which Commander Thrupp, of her Majesty's ship *Desperate*, has reported to Vice-Admiral Sir Alexander Milne the firing of a shot across the bows of that ship by the United States ship *Memphis*, on the 26th of February last, and by a copy of a despatch to you from the vice-admiral, in which he points out that this is the third instance in which a shot has been fired across the bows of her Majesty's ships by United States cruisers. You at the same time express your acknowledgments for the friendly assistance which Commander Thrupp received from Captain Turner, the commanding officer of the United States squadron off Charleston.

In reply I have the honor to state, that, commending the liberal spirit manifested by Vice-Admiral Sir Alexander Milne and by Commander Thrupp on the occasion now under consideration, I have referred the papers to the Secretary of the Navy, with a suggestion that the subject to which they relate should receive his serious consideration.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, March 31, 1863.

MY LORD: I regret to inform you that reliable information has reached this department that an attempt was made in January last, at Victoria, Vancouver's island, to fit out the English steamer *Thames* as a privateer, under the flag of the insurgents, to cruise against the merchant shipping of the United States in the Pacific. Fortunately, however, the scheme was temporarily, at least, frustrated by its premature exposure.

In view, however, of the ravages upon the commerce of the United States in that quarter which might result from similar attempts which will in all probability be repeated, the expediency of asking the attention of her Majesty's colonial authorities to the subject, in order that such violations of the act of Parliament and of her Majesty's proclamation may not be committed, is submitted to your consideration.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 1, 1863.

MY LORD: Referring to your memorandum of the 19th ultimo, calling attention to the General Order of the War Department, (No. 82,) of the 21st of July, 1862, concerning the administration of oaths to aliens, and to my reply, I now have

the honor to inform you that, from information recently received from that department, it appears that directions have been given to the Adjutant General to comply with your suggestions on the subject.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 2, 1863.

MY LORD: I duly received your note of the 17th ultimo, respecting the case of the *Will-of-the-Wisp*, and regret to learn that her Majesty's government still consider the supposed injury inflicted by the seizure of that vessel at the mouth of the Rio Grande to be of such a character as to warrant an appeal from the prize court at Key West to the executive government instead of to the Supreme Court of the United States. Sovereign states usually expect to do justice through their judicial tribunals, and this government is not prepared to waive its claim to this privilege. Even, however, if this were allowable in any case, I am not able as yet to recognize any peculiar circumstances in that of the *Will-of-the-Wisp* to warrant a departure from the rule. She is understood to have been one of many vessels which, since the insurrection in this country began, have cleared from foreign ports nominally for Matamoras, in Mexico, laden in whole or in part with munitions of war, under the impression that it must be taken for granted that their cargoes were for consumption in Mexico, and not for the contiguous insurgent State of Texas. The transparency of this fraud, however, is deemed obvious by our naval authorities, and the recklessness with which it has been practiced is believed to have materially prolonged the existing civil war.

The frequency with which vessels leave English ports ostensibly for those of the British colonial possessions adjacent to this country, but really to obtain information there as to the most successful manner of violating the blockade; the impunity with which others are built, armed, and manned, in Great Britain, to sink and burn the merchant shipping of the United States, has so often, and with so much earnestness, been brought to the attention of her Majesty's government, that the government of the United States has already been brought, though with great reluctance, to the consideration of new measures for protection against such injuries. It would be singularly inconsistent on their part, under such circumstances, to withdraw their confidence from judicial tribunals which, although they have generally proceeded with firmness in condemning contraband vessels, have nevertheless, so far as is known, hitherto proceeded in all cases in conformity with the law of nations.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 2, 1863.

MY LORD: I have taken into consideration the note which your lordship addressed to me on the 7th of March last, which relates to the case of the *Tele-*

graph, of Nassau, which vessel was seized on the 30th of November, 1861, by the United States schooner *Wanderer*, and carried into Key West, and after a detention of three days there, was released and discharged.

Your lordship has informed me that, in the view of the British government, first, the seizure of the *Telegraph* was in itself unjustifiable; and, secondly, the manner in which the belligerent right of visit and search was exercised was unjustifiable in regard to the ship, because Commander Spotts ought to have exercised his right of search on board the vessel itself, and, in the absence of necessity, had no right to order the papers to be brought on board his own ship, and unjustifiable in regard to the crew, because the treatment of the seaman William J. Fisher was an unjustifiable act of violence and cruelty. Upon these grounds her Majesty's government claim reasonable compensation from the United States, for, first, the illegal detention of the ship, and, secondly, the gross ill treatment of the aforementioned seaman, William J. Fisher.

The facts, as they are understood by the government of the United States, and as they have heretofore been communicated to you, are, that Lieutenant Commanding Spotts, on the 30th of November, 1861, while cruising among the Florida keys, discovered the *Telegraph* coming out from Key Vaccas, an American port or possession in the Florida keys. Commander Spotts required the captain of the *Telegraph* to bring her papers on board. When they were examined it was found that she had cleared from Key West, an American port, on the 28th of November, for Green Turtle key, Abaco. Commander Spotts asked Forbes, the captain of the *Telegraph*, what he was doing in at Key Vaccas. The captain answered that he had gone in there for wood, and that he was going to stop at Indian key for baggage belonging to some passengers. The *Telegraph* had no written permission to enter the Vaccas, or any other port or place, on her voyage; but the captain alleged that he had received from the collector of the customs distinct, though only verbal, permission to enter La Vaccas for wood. Thereupon Commander Spotts declared that it was illegal for the *Telegraph* to deviate from her outward-bound voyage and enter the keys, and he directed that the *Telegraph* should return to Key West for an investigation. So far as the manner of the visit, search, and seizure are affected, the facts are that the captain of the *Telegraph* having been hailed by Commander Spotts, and having given his assumed excuse about the want of firewood, was required by Commander Spotts to come on board the *Wanderer*; that he complied with the order, and delivered up his papers, which were taken from him; that Commander Spotts, having decided to detain the vessel for examination, ordered that the sails of the *Telegraph* should be furled; whereupon William J. Fisher, one of the crew, being drunk, defied the officers of the *Wanderer* in gross and violent language, saying to them, among other things, "God damn your souls to hell, if you want these sails furled, come on board and do it yourselves." Thereupon Commander Spotts requested the captain of the *Telegraph* to stop Fisher's abusive language, and the captain replied that he had no control over that seaman. On receiving this reply Commander Spotts ordered Fisher on board his own vessel, and caused handcuffs to be placed upon him, believing it necessary thus to restrain him from committing violence on the way to Key West. On arriving at Key West Commander Spotts communicated the facts to the collector of the port, who informed him that the *Telegraph* was cleared at the custom-house there on the 28th of November for Green Turtle key, with passengers and baggage, and one barrel of rum; that he, the collector, had at the time warned the captain from going anywhere near the main land, or having any intercourse with the inhabitants thereof; that the captain had replied to these warnings that he only wished to stop at one of the keys to take in a little firewood; that although the collector says he saw no impropriety in this, yet he neither gave him written permission to do so nor indorsed any consent for that purpose on the clearance. The collector further informed Commander Spotts

that the *Telegraph* had been reported to the collector by the inspector of the customs as having been at anchor in Key Biscaye bay on her voyage to Key West, and was supposed to have communicated with the [disloyal] inhabitants of Main River. The collector therefore suggested to Commander Spotts the propriety of his turning the case over to the United States district attorney for investigation. While it does not appear that this suggestion was adopted, and if so, with what results, it is certain that the *Telegraph*, with her captain and crew, were released and set at liberty.

With a view to the efficiency of the blockade, Captain Mervine, the flag-officer of the Gulf blockading squadron, on the 14th of June, 1861, gave instructions to the collector of the customs at Key West, to the effect that he would require all vessels and boats leaving the harbor of Key West to obtain a clearance or permit from the custom-house, setting forth the objects of their voyage, except pilot-boats on their regular grounds, which permit must be approved by the commanding officer of the port, and if any such vessel or boat is found without such clearance, they will be dealt with as violating the blockade.

This order was such an one as the United States, being in military occupation of Key West, and blockading the whole coast, had a lawful right to make and to enforce while maintaining a blockade. The *Telegraph* had, when arrested and searched, just such a clearance as that order allowed, and no other. That clearance did not authorize or permit the *Telegraph* to enter Key Vaccas for wood, or for other purposes. Her entrance there was not only interdicted, but was suspicious, and she was lawfully countermanded and carried back into Key West, to the end that the case might be investigated. It is true that the captain informed the collector that he proposed to touch Key Vaccas to procure a little firewood, and that the collector did not protest against it, but it is equally true that the collector warned him sufficiently of the risk of capture if he should make such a departure from the voyage specified in the clearance. This government does not think that the tacit acquiescence of the collector in regard to the proposed deviation had the effect to legalize the deviation, and render the arrest, search, and detention of the vessel for investigation illegal. This government freely admits that the manner of the search was improper, and that it was the duty of the commander of the *Wanderer* to go on board the *Telegraph* and execute his right of visit there; but, on the other hand, this government supposes that when there is a strong presumption that the voyage of the vessel which has been brought to is a legal one, it may be, for many reasons, more convenient and agreeable for a captain of a vessel, when hailed, to go on board the inquiring vessel, than to insist on having a formal visit and search on board of the vessel challenged. It does not appear that the captain of the *Telegraph* refused, or even objected, to comply with the request of Commander Spotts, or that he, at the time, made any protest or exhibited any reluctance against the form of search which was adopted. At the same time, it does not appear that any actual injury or damage resulted to any person, or to the vessel, from the mode of search which was adopted. This government very cheerfully does, in regard to that fact, all that seems to be in its power to correct the error. It freely expresses its regret, and it will give instructions calculated to prevent a recurrence of the error.

In regard to the seaman William J. Fisher, this government thinks that when the *Telegraph* was legally seized, it was the duty of the seaman to desist from all resistance. The commander of the *Wanderer* apprehended disturbance and violence from the seaman, who was drunk and abusive, and over whom his own captain declared that he had no power to control or to reduce him to submission. If Fisher had been unlawfully detained, the placing irons upon his hands would indeed have been an aggravation of the wrong done him by his detention; but since his arrest was lawful, it was the right of the commander to prevent his resort to force, either to rescue the *Telegraph* or to endanger the lives of the

captors, and the safety of the suspected vessel or that of the Wanderer. In the discussion which has taken place quite recently between this government and that of Great Britain concerning the rights and obligations of captors and captured in a case of rescue, it seems to have resulted that the captor of a vessel, when carrying her into port for adjudication, must rely exclusively upon his own strength and force, and not upon any submission of the captured crew for effecting the object. The treatment of William J. Fisher seems to this government to have been no more rigorous than was necessary to prevent danger from an insubordinate and mutinous seaman, who, when left at liberty, was confessedly refractory towards, and independent of, his superiors on board of the captured vessel.

It seems to me that the United States could not accede to the demands of her Majesty's government in this case, without admitting that they have no right to forbid and prevent vessels under a neutral or friendly flag, even in a time of blockade and civil war, from landing when and where they please upon the American shores for the purpose of rendering aid and assistance to insurgents, and to detain for examination vessels which infringe its established military and naval regulations. This government believes that in this case it is only insisting upon rights essential to the sovereignty of every nation, and not more essential to the United States than to Great Britain herself.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 2, 1863.

SIR: With reference to my note dated the 26th ultimo, respecting the capture of the Peterhoff, and to your answer dated the 28th ultimo, I have the honor to transmit to you a copy of a despatch from her Majesty's consul at New York to me, and copies of letters addressed to the consul by passengers on board the Peterhoff.

I beg to recommend to consideration the request of the passengers, that they may be allowed to leave the vessel, with their personal effects, in order to have free access to the consul.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Archibald to Lord Lyons.

BRITISH CONSULATE,
New York, March 30, 1863.

MY LORD: Referring to my despatch of the 24th instant, and its enclosure, respecting the capture of the steanship Peterhoff, I have the honor to acquaint your lordship of the arrival of that ship at this port on Saturday last.

I have to-day received from Mr. Samuel J. Redgate, agent for Lloyds at Matamoras, and from Robert Bowden, two passengers on board the Peterhoff, letters, signed also by the master, of which I transmit, herewith enclosed, copies for your lordship's information.

Your lordship will perceive by these letters that the passengers desire to be permitted to land with their personal effects, in order that they may have free access to me to protest against the seizure of the vessel, present their claims for compensation, and attend to their duties connected with the cargo which they represent, its owners and insurers, free from naval control and supervision.

They likewise complain of being prevented from communicating with me by letter, being willing to submit their communications to the perusal of the officer in charge of the ship.

I have, &c.,

E. M. ARCHIBALD.

Right Hon. LORD LYONS, &c., &c., &c.

BRITISH SCREW-STEAMER PETERHOFF,
New York, Saturday evening, March 28, 1863

SIR: Mr. Redgate, of Matamoras, and myself, had written the enclosed letter of this date, and I gave it to Mr. Moyles, United States navy, one of the engineers of the Vanderbilt on board, to put in the post office. It was taken from him by Ensign A. K. Jones, United States navy, who was temporarily in charge of the Peterhoff, Acting-Master Lewis being on a visit to the admiral, who said it was contraband, and he would not allow it to be sent. I told him to whom it was addressed, and offered him a perusal of it, which he declined.

During the time we were detained at Key West, Admiral Bailey allowed us to communicate personally and by letter with the British vice-consul, Mr. Butterfield, and Ensign Jones was fully aware that Mr. Lewis facilitated us in this respect.

May I request on the part of Mr. Redgate and myself, as well as of Captain Jarman, and all who are confined to the Peterhoff, that you will report officially to his excellency the British minister at Washington, and to the naval authorities of the United States government, this harsh and uncalled for interference on the part of Ensign Jones against the rights and liberties of British subjects, who are temporarily in his power.

I remain, &c., &c.,

ROBERT BOWDEN,
Late of Melbourne and London, passenger to Matamoras.

The above is a correct statement of facts.

STEPHEN JARMAN, *Master.*
H. BOUND, *Mate.*
SAMUEL J. REDGATE,
Agent for Lloyds at Matamoras, passenger.
G. W. ALMOND, *passenger.*

E. M. ARCHIBALD, Esq., &c., &c., &c.

NEW YORK, *March 28, 1863.*

SIR: We have to inform you that we are passengers, in charge of a large portion of the cargo of the British screw-steamer Peterhoff, Stephen Jarman, late master, which was seized by an armed party of the United States steamer Vanderbilt, on the 25th February, off the island of St. Thomas, while proceeding on a lawful voyage from London, *via* Plymouth and Falmouth, in England, and the Danish island of St. Thomas, to the port of Matamoras, in the republic of Mexico. We learn that this act was committed by the express order of Rear-Admiral Wilkes, United States navy, who was then at St. Thomas.

The Peterhoff was taken to Key West, where she arrived on the 7th instant,

and remained till the afternoon of the 19th, when she left, with orders to proceed to Boston, in consequence of the prize court at Key West being closed, and our later orders having been received from Admiral Wilkes.

The greater part of the British crew of the Peterhoff were transferred to the Vanderbilt on the 25th February; and those who were left on board, including Captain Jarman, his mate, and others, and seven passengers, have since been kept as prisoners of war, and forcibly deprived of arms and other means of defence. All papers of the ship, and all invoices, bills of lading, consul's certificates, &c., in our possession, have also been given up under that of a forcible search.

Owing to an accident to one of the engineers of the Vanderbilt the day we left Key West, the Peterhoff called at Port Royal, in South Carolina, for surgical assistance, and the same necessity has compelled Acting Master Lewis, United States navy, to make for this port in place of Boston.

Captain Jarman has duly extended his protest at Key West, and we are most anxious that we should have our personal liberty to leave the ship with our personal effects, in order that we may have free access to you to protest against this unnatural act of the United States government, and to present our claim for compensation, as well as to attend to those duties connected with the cargo which we represent; its owners are insurers, free from naval control and supervision.

We therefore apply to you, as the nearest representative of the British government, hoping that you will procure our liberation; and, if you judge advisable, that the case of the Peterhoff be adjudicated in the prize court of New York, in place of undergoing the risk and delay and further expense to be incurred by sending her to Boston.

May we also request that you will communicate the contents of this letter to the British minister at Washington.

We have the honor, &c., &c.,

SAMUEL J. REDGATE,
Agent for Lloyds at Matamoras,
ROBERT BOWDEN,

*Late of Melbourne and London, passengers per
Peterhoff to Matamoras.*

BRITISH CONSUL, *New York.*

Lord Lyons to Mr. Seward.

WASHINGTON, *April 2, 1863.*

SIR: I have the honor to acknowledge the receipt of your note, of the day before yesterday's date, referring to an attempt to fit out a privateer at Victoria, Vancouver's island, which had been frustrated, and suggesting that the attention of the colonial authorities should be called to the subject, with a view to prevent the repetition of any such attempt.

I will, without loss of time, transmit a copy of your note to her Majesty's government, and to the governor of Vancouver's island.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 3, 1863.*

SIR: With reference to my notes of the 26th ultimo and 2d instant, and to the note which you did me the honor to address to me on the 28th ultimo, I think it right to furnish you with copies of a despatch and its enclosures, which I have received from Vice-Admiral Sir Alexander Milne, relative to the capture of the British steamer Peterhoff.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

HON. WM. H. SEWARD,
Secretary of State.

GALATEA, AT BERMUDA, *March 23, 1863.*

MY LORD: I have the honor to forward a copy of a despatch I received yesterday from Captain Tatham, of her Majesty's steamer Phaeton, the senior officer on the Barbadoes division, and of its enclosures, relative to the capture of the British steamer Peterhoff off the harbor of St. Thomas, bound, it is stated, to Matamoras, by the United States steamer-of-war Vanderbilt, on the ground of the informality of her papers.

As the question will become a prize court case, I do not feel called upon to offer any opinion, with the insufficient data with which I am furnished, as to her papers, &c., beyond remarking, that it would appear that the Peterhoff was chased from a neutral port, and captured on the same day, the belligerent captor making the neutral port a position from whence to watch neutral vessels; nor do I feel called on to express any opinion as to what passed on the subject between Rear-Admiral Wilkes and Captain Tatham, as neither complain of a want of due courtesy.

Your lordship will observe that Captain Tatham has sent a copy of the enclosed despatch direct to the admiralty.

I have, &c.,

ALEX. MILNE,
Vice-Admiral and Commander-in-Chief.

LORD LYONS.

Extract of a despatch from Captain Tatham to Vice-Admiral Sir Alexander Milne, dated her Majesty's ship Phaeton, St. Thomas, March 14, 1863.

With reference to the enclosed letters, I have to acquaint you that shortly after Admiral Wilkes had anchored, this day, at St. Thomas, I waited upon him, and I think it my duty to report the following portion of our conversation.

I told Admiral Wilkes that the capture of the Peterhoff had caused much alarm and excitement at this port, and asked him to be good enough to tell me any particulars he might think proper to inform me.

Admiral Wilkes said her papers were informal, and that his cruiser had sent her for judgment; if found innocent, she would be released and her expenses paid.

Our conversation then took a general turn, and of the most friendly description. On leaving Mr. Wilkes I informed Mr. Ball, the acting consul, that the Peterhoff, commanded by Stephen Jarman, R. N. R., had been captured and sent for adjudication from the informality of her papers.

The consul then referred to the gentlemen in his house, and they both de-

clared that the Peterhoff had all her papers correct; that she had cleared for Matamoras, and had passengers with passports from the Mexican consul in London; that the Peterhoff coaled, but took in no sort of cargo at St. Thomas, and that she left the harbor with knowledge that she might be searched.

I felt it my duty to place on record my opinion to Admiral Wilkes, but I have no data to carry on further correspondence, and this must be reserved for the respective governments.

The capture was made beyond the Danish waters, but I believe his excellency the governor will be in correspondence on this case, as clandestine signals are said to be established with the United States vessels from the hills; and the harbor of St. Thomas is made available for coaling, and surveillance of neutral trade to its injury if such captures as the Peterhoff are continued.

I have, &c.,

EDWARD TATHAM,
Captain and Senior Officer.

BRITISH CONSULATE,
St. Thomas, February 26, 1863.

SIR: I beg to call your lordship's attention to a report in circulation, that yesterday, 25th instant, the United States steamship-of-war Vanderbilt, Commander Baldwin, after having communicated with United States Admiral Wilkes, when in this harbor, proceeded out to sea, and at some distance, and within sight of this port, detained, seized, and placed a prize crew on board the British steamer Peterhoff, of London, ordering her to a port in the United States. The Peterhoff had left this harbor on the same day, bound to Matamoras, Mexico, with a general cargo from London, and had come here for a supply of coal.

I have to request that your excellency will inform me if any reliance can be placed in the above report, and any other information which your excellency can furnish me will be thankfully received.

I have, &c.,

J. J. BALL,
Acting Consul.

The PRESIDENT and VICE-GOVERNOR, &c.,
St. Thomas and St. John's.

[Translation.]

PRESIDENCY OF ST. THOMAS AND ST. JOHN'S,
St. Thomas, March 2, 1863.

With reference to the consul's honored question in his communication of 26th ultimo, regarding the fate of the British steamer Peterhoff, which vessel, according to a current report here, has probably been captured by the United States war steamer Vanderbilt, it is hereby communicated that the American consul, J. T. Edgar, to whom application has been made, with the request to give the Presidency the explanations in this case, which he might have it in his power to render, has written the Presidency under 28th ultimo, that he has not received any communication from the commander of the Vanderbilt, and that it is not in his power to give any explanation with regard to the said report.

ROTHE.

Captain Tatham to Rear-Admiral Wilkes.

HER MAJESTY'S SHIP PHAETON,
St. Thomas, March 14, 1863.

SIR: With reference to your verbal explanation, on the capture of the British steamer Peterhoff, in sight of this harbor, on the 25th of February, by the United States steamship Vanderbilt, which left this port apparently under your orders and instructions for that purpose, I have the honor to acquaint you that, after full inquiry of the British acting consul at this port, I am instructed that the papers of the Peterhoff were not informal; that she was cleared for Matamoras, and that her passengers had passports obtained from the Mexican consul in London.

You were kind enough to inform me that if the capture was found illegal the Peterhoff would be released; but, sir, I may be permitted to express my regret and fear that in this case an innocent vessel has been sent for judgment to the injury and alarm of commerce.

I cannot conclude this letter without thanking you for your courteous reception, and assuring you that I have not the slightest desire to interfere with the fullest exercise of belligerent rights on the high seas.

I have, &c.,

EDWARD TATHAM,
Captain and Senior Officer.

Rear-Admiral WILKES, &c., &c.

Rear-Admiral Wilkes to Captain Tatham.

UNITED STATES FLAG-STEAMER VANDERBILT,
St. Thomas, March 14, 1863.

SIR: I have just received your communication of this date, and, in reply to its contents, beg leave to say that you have misunderstood me if you interpreted my observations relative to the Peterhoff as a "verbal explanation on her capture." I expressly forebore any conversation on the subject, and from no reason whatever than that it was a subject on which I did not permit myself to speak. In your inference that the capture was made, I gave you no grounds, neither can I consider it of any moment what the British vice-consul's inquiries may have led him to infer, or to instruct you as to the Peterhoff's papers. If the Peterhoff should have been sent in for adjudication, the courts will decide these points; and I have every reason to believe that should such have been the case, it will be found that there was ample ground for so doing, in the exercise of the belligerent rights now existing on the high seas.

Reciprocating your courteous expressions, and the pleasure of having made your acquaintance, I am, &c.,

CHARLES WILKES,
Rear-Admiral, Commanding West India Squadron.
Captain EDWARD TATHAM,
Senior Officer, Barbadoes Division.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 3, 1863.

MY LORD: I have received your note of the 28th ultimo, relative to the case of the Labuan. An answer upon the subject will be addressed to you as soon

as a copy of the decree of the court at New York can be obtained, for which application has been made through the district attorney.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 3, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of yesterday, recommending the request of the passengers of the captured British steamer Peterhoff, which has arrived at New York, to be allowed to leave the vessel with their personal effects, in order to have free access to the consul, and to state that the matter has been submitted to the consideration of the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 4, 1863.

SIR: With reference to the note which you did me the honor to address to me on the 24th of February last, I deem it right to submit to you an authenticated copy of an affidavit made by Mr. J. M. Vernon, in which he declares on oath that he is a native of England, and that he has never been naturalized in the United States, nor in any way exercised the peculiar privileges of an American citizen.

Mr. Vernon demands that an immediate investigation of his case may be made either at New York or Washington, and that he may be confronted with his accusers; or if this be not granted, that he may be at once set at liberty.

He begs that he may at all events be removed without delay from Fort Lafayette, as his lungs are suffering from the atmosphere of that place.

I venture to ask you to return to me the authenticated copy of the affidavit.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

John Macalister Vernon, at present a prisoner in Fort Lafayette, maketh oath and saith that he is a native of Liverpool, England, and is now of the age of thirty-seven years; that he first came to the United States about twenty-three years ago; that he came to New York; that he returned to England, and about eighteen months after he first came to America he went to New Orleans, and has been resident there and in the State of Mississippi for about seventeen years, having, during that period of time, been as many as fifteen times in Great Britain, having in some years crossed over twice; that he carried on business as a merchant and agent; that he married in Georgia a native of that

State, who is now dead. And this deponent solemnly swears that he has never been naturalized in this or any other country; that he has never declared his intention of becoming naturalized, and never at any time entertained the intention of becoming naturalized, and never has voted at elections, or in any manner exercised the peculiar privileges of an American citizen; that he has never served in the naval or military service of the United States, or of the Confederate States. And this deponent further saith, that from the 7th of July, 1858, until April, 1860, he was in Europe; that in 1860 he remained only four months in the United States, and left again for Europe about August, 1860; that he returned to Memphis, in Tennessee, where his wife was then resident, and remained in the southern States looking after his property and business interests until the eighteenth of January, 1863, when he was picked up at sea, having been a passenger in the Huntress from Charleston to Nassau, which vessel was burnt about thirty-five miles from Charleston.

And this deponent further saith that he has taken no part in the insurrection in the southern States, except that, as a merchant, he has sold supplies of various kinds to the government of the Confederate States, having had contracts with that government for such supplies.

J. M. VERNON.

Sworn before me, at Fort Lafayette, the 27th day of March, A. D. 1863.

E. M. ARCHIBALD.

BRITISH CONSULATE,
New York, March 30, 1863.

I certify the foregoing to be a true copy of the original affidavit remaining in my possession.

[SEAL.]

E. M. ARCHIBALD,
Her Britannic Majesty's Consul.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 4, 1863.

MY LORD: I have the honor, in acknowledging the receipt of your communication of yesterday, relative to the neglect of the commander of the United States steamer Vanderbilt to perform the customary courteous observances on passing the naval station at Port Royal, in Jamaica, to inform your lordship that a copy of it has been transmitted to the Secretary of the Navy, whose reply will furnish an occasion for further correspondence on the subject when it shall have reached me.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 4, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note, accompanied by the copy of a despatch and by a copy of its enclosures, received by you from Vice-Admiral Sir Alexander Milne, relative to the capture of the British

steamer Peterhoff, and to inform you that the papers have been referred to the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 4, 1863.

MY LORD: I have the honor to inform you that an armed schooner under the insurgent flag, bearing the name of Retribution, and commanded by a man named Lock, said to be a native of Yarmouth, Nova Scotia, has recently captured many United States vessels in the waters of the West Indies. Among her victims was the schooner Hanover, of Boston. This department has reliable information that the Hanover, in charge of a prize crew, was taken to Long cay, (Fortune island,) Bahamas, where her cargo was sold without any previous judicial process, the vessel loaded with salt and despatched to an insurgent port, for the purpose of running the blockade. It is also represented that the magistrates and other officers at Long cay knew that the Hanover had been captured by the Retribution.

I have the honor to request that the attention of the proper British authorities be invited to this subject in order that if, upon investigation, the facts should appear to be as above represented, the reparation which this government would have a right to expect may be granted.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 6, 1863.

MY LORD: This department has received from that of the navy a report upon the seizure of the British steamer Peterhoff. From this it appears that that vessel, having once before successfully evaded the blockade of a port of the insurgent States, rendered herself justly liable to suspicion of being bound on a similar voyage. Accordingly, when about five miles from the harbor of St. Thomas, on her way to her destination, she was searched, and her papers were found to be quite irregular, as she had a certificate manifest for only seven boxes of teas, there being no certificate manifest for the rest of her large cargo, packed in kegs and boxes.

Seven passengers were found on board, yet the captain of the Peterhoff assured the boarding officer that he had no passengers. Information was also received from a person on board the Peterhoff that her cargo consisted, in part, of field-pieces and ammunition.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 6, 1863.

MY LORD: With reference to your communication of the 2d instant, recommending to consideration the request of the passengers of the captured British steamer Peterhoff to be allowed to leave the vessel with their personal effects, in order to have free access to her Majesty's consul at New York, and to my reply, I now have the honor to enclose to you the copy of a letter of the 4th of this month from the Secretary of the Navy on the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 7, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, transmitting an authenticated copy of an affidavit made by Mr. J. M. Vernon, a prisoner in Fort Lafayette, in which he declares that he is a native of England, and that he has never been naturalized in the United States, nor in any way exercised the peculiar privileges of an American citizen.

In reply, I have the honor to inform you that the attention of the Secretary of the Navy has been invited to the matter.

The affidavit which accompanied your note is herewith returned to you.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 7, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 4th instant, stating that you have been informed that the American schooner Hanover, of Boston, has been carried as a prize to Long cay, Bahamas, and that her cargo has been sold there.

I will, without loss of time, send copies of your note to her Majesty's government, and to the governor of the Bahama islands.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 8, 1863.

SIR: I have the honor to acknowledge the receipt of your notes of the 3d and 4th instant, and of your two notes of the 6th instant, all relating to the case of the British steamer Peterhoff, captured off the island of St. Thomas.

In order to complete the information which I have felt it my duty to communicate to you respecting this capture, I do myself the honor to lay before you an authenticated copy of a protest, made by the master, mate, and steward of the Peterhoff, before the British vice-consul at Key West, and also an authenticated extract from the official log of the ship. I beg you to be so good as to return these documents to me.

You will observe that a request made by the master, that the British mail which was on board might be delivered to her Majesty's consul, to be forwarded to its destination, was refused by the commander of the capturing ship. This refusal appears to be inconsistent with the instructions prescribed by your letter to the Secretary of the Navy of the 31st October, 1862.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

HER BRITANNIC MAJESTY'S VICE-CONSULATE
FOR THE STATE OF FLORIDA,
Port of Key West.

By this public instrument of protest and declaration be it known, and made manifest unto all persons whom it doth, shall, or may concern, that on this fourteenth day of March, in the year of our Lord 1863, before me, Aubrey George Butterfield, her Britannic Majesty's vice-consul in and for the State of Florida, at the British vice-consulate office, at Key West, personally came and appeared Stephen Jarman, master of the British steamer Peterhoff, of the burden of 269 tons, or thereabouts, belonging to the port of London, England, who having duly noted a protest before me, the said vice-consul, now wished to extend the same, and for that purpose, he, the said master, has brought with him H. Bound, mate, and T. Webber, steward of and belonging to the said steamer; and the said appearers being by me, the said consul, duly sworn upon the holy evangelists of Almighty God, did severally declare and depose as follows:

That on Thursday, at 7 a. m., January 8, A. D. 1863, they, the said appearers, set sail in and with the said steamer for the port of London, England, laden with general merchandise, and bound to Matamoras, in the republic of Mexico, under charge of the pilot, who proceeded with the vessel until she was safely anchored at Plymouth harbor, where she arrived at 11.15 p. m. on the 9th of January, and remained until the 18th of the same month, being detained at the same port by a continuation of boisterous weather or other causes. That at 2 p. m. on the same day the pilot left the ship, when the said appearers made all possible sail, and prosecuted their voyage until the same night, when the wind became strong, increasing to a gale, from the westward, and a very high sea rising, the said appearers then bore up to the port of Falmouth, where they arrived on the following morning, at 8 a. m. the 19th, where, from the continuance of bad weather, the said appearers were obliged to remain until Tuesday, the 27th instant, when they again made all possible sail, until the night of the 28th, when strong gales commenced from the west, southwest, and continued until the night of the 30th, a very high sea running all the time, and the ship laboring heavily. Nothing further occurring until Friday, February 20, (when at 8 a. m. in latitude 18° 18' north, and longitude 64° 50' west; Buck island bearing west half north; Hunder island northwest, two miles; French cap southwest by west half west,) when the said steamer was stopped on her course toward St. Thomas (to which port she was calling for coal) by two shots being fired across the bows from the United States steamship Alabama. She was then

boarded by an officer from the Alabama, who demanded the sight of her papers, which, on being examined, the said officer (although he declined to indorse them) passed them as correct, and allowed the steamer to proceed on her course at 8.30 a. m., which she did, and arrived at St. Thomas at 9.30 the same morning.

On the morning of the 25th, Wednesday, having finished coaling, the said appearers, with the said steamer, left the port of St. Thomas at 1 p. m. to proceed on their voyage to Matamoras, which they did until 2.20 p. m., when they were stopped by the United States steamship Vanderbilt, (where Buck island bore east by north-half north, light-house northeast about four miles, Sail rock west by north, one-quarter north.) An officer then came on board and requested to see the ship's papers; they were shown to him, when he examined them, and made a note that the ship had her Britannic Majesty's mails on board; he then left the ship, saying that the steamer's papers were not correct, as they had not been indorsed by the British consul at St. Thomas, to which remark the captain of the said steamer replied that he must have overlooked it, and that if he would wait he would point out to him the indorsement made on his papers by the British consul at St. Thomas; this the officer declined to do, and immediately left for the Vanderbilt. At 3.30 the same officer (Mr. Keyser) returned to the ship and ordered the said captain of the Peterhoff on board the Vanderbilt, with all the papers and documents of the ship, stating at the same time, in the event of his refusal, an armed crew would be sent on board to take charge of the ship; to this the captain refused, the passengers also objecting to his leaving the ship after such a threat being held out.

And the said appearers do further declare that at 4 p. m. the same day the said steamer was again boarded by two boat's crews fully armed, having on board three officers and twenty-one men, who forcibly took charge of the said steamer; the Vanderbilt then left for St. Thomas, when the said captain of the Peterhoff requested them, through the officer in charge of the boat, to call on the British consul at that place.

And the said appearers do further declare that at 7 p. m. the captain, officers, crew, and passengers, were all confined below, and armed sentries stationed at the hatchways and cabin door, and that at 9 p. m., when the Vanderbilt returned, they were again boarded by an officer, (Mr. E. Lewis, acting master,) who also demanded the ship's papers to be delivered up to him, to be sent to the captain of the Vanderbilt, to which demand the said captain of the Peterhoff refused, saying that he would not deliver them up except to a British consul, or other British officer in authority. At the same time he wished him to understand that any number of officers were perfectly welcome to examine the papers on board the ship; to which the said officer of the United States replied, "Then, sir, consider yourself as no longer in command of this ship. I take charge of her in the name of the United States of America." Whereupon he demanded all arms and ammunition to be delivered up, and they were sent on board the Vanderbilt, together with all the crew, except the master, mate, second engineer, steward, cook, one boy and the passengers, who continued to be kept as close prisoners. The said captain then wrote to the commander of the Vanderbilt, protesting against the capture of the vessel, being an act most illegal, also explaining that she had her Britannic Majesty's mails on board, which he requested they would deliver to the British consul at St. Thomas, to be disposed of by him; to this request the commander of the Vanderbilt made a verbal reply, that he declined interfering with the *freight*.

And the said appearers do further declare that at 7 a. m. on the following day, the 26th, the ship bore away to Key West, (as reported,) and the Vanderbilt returned to St. Thomas.

And the said appearers do further declare that the said Stephen Jarman, captain of the said steamer Peterhoff, did, at the time of the said capture aforesaid, strongly protest against the said capture, protesting that the said capture was a

most illegal act, he being with the said steamer Peterhoff on a legal voyage from St. Thomas to Matamoras, in the republic of Mexico.

And the said appearers do further declare, that the said steamer Peterhoff, under charge of the prize master as aforesaid, arrived at this port of Key West on Saturday, March 7, A. D. 1863.

And the said appearers do also further declare that the said steamer, at the time of her departure from London, as well as at the time of her capture as aforesaid, was tight, staunch, and strong, and that her hatches were well and sufficiently calked and covered, and was well and sufficiently manned, provided and furnished with all things needful and necessary for the said voyage, and that during the said voyage they, the said appearers and ship's company, used their utmost endeavors to preserve the said steamer, and the goods of her loading from damage and loss.

And, therefore, the said Stephen Jarman, master ~~as~~ aforesaid, did declare to protest—as by these presents he doth solemnly protest—and I, the said consul, do also protest against all and every person or persons whomsoever whom it doth, shall, or may concern, and do declare that all and all manner of damages, losses and detriments whatsoever that have happened to the said steamer and the goods of her loading, or to either of them, or to any part thereof, are and ought to be borne by the merchants and freighters, or underwriters interested, or by whomsoever else it shall or may concern, (by way of average, or otherwise,) the same having occurred as before mentioned, and not by or through the insufficiency of the said steamer, or the neglect of him, the said master, and first-named appearer, his officers or any of his mariners.

In witness whereof, the said appearers have hereunto subscribed their names.

STEPHEN JARMAN, *Master R. N. R.*

H. BOUND, *Mate.*

THOS. WEBBER, *Steward.*

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All which matters and things were by the said appearers severally declared, affirmed, subscribed and sworn to, as before is set forth, in the presence of me, the said vice-consul; and therefore I have hereunto subscribed my name and affixed the seal of this office, being requested to testify and certify the premises. This done and protested at Key West, aforesaid, the day and year herein first mentioned.

AUBREY G. BUTTERFIELD,

H. B. M. Vice-Consul.

—

HER BRITANNIC MAJESTY'S VICE-CONSULATE,

Key West, March 11, 1863.

I, Aubrey George Butterfield, do hereby certify the foregoing to be a true and correct copy of the original protest recorded in this office. In testimony whereof, I do hereunto set my hand and seal of office, at the port of Key West, this sixteenth day of March, in the year of our Lord one thousand eight hundred and sixty-three.

[L. S.]

AUBREY G. BUTTERFIELD,

H. B. M. Vice-Consul.

—

HER BRITANNIC MAJESTY'S CONSULATE, KEY WEST.

[L. S.]

I, Aubrey G. Butterfield, esq., her Majesty's vice-consul, do hereby certify that the annexed paper is a true and correct copy of such portions of the official log-book of the British steamer Peterhoff as relates to the capture of the said

vessel by the United States war ship Vanderbilt, when on a voyage from St. Thomas to Matamoras.

In testimony whereof, I do hereunto set my hand and seal of office, at Key West, this twenty-first day of March, in the year of our Lord one thousand eight hundred and sixty-three.

AUBREY G. BUTTERFIELD,
H. B. M. Vice-Consul.

Copy of the official log of the British steamer Peterhoff, as kept by the captain when on her voyage from London to Matamoras, and attested by the mate and passengers on board.

On Friday, February 20, A. D. 1863, at 8 a. m., when proceeding on our course towards St. Thomas, when in latitude $18^{\circ} 18'$ north and longitude $64^{\circ} 50'$, Buck island being west $\frac{1}{2}$ north, Hunder island northwest 2 miles, French cap southwest by west $\frac{1}{2}$ west, were stopped by two shots being fired across our bows from the United States steamship Alabama, and then boarded by an officer from said ship, who demanded a sight of the ship's papers; they were shown to him, and after very carefully examining the same, he passed them as satisfactory and correct; not having power to indorse the same, he left the ship, and we proceeded on at 8.30 a. m.

At 9.30 we anchored in the harbor of St. Thomas, after steaming on slowly, with jack flying for a pilot.

On arrival I reported to the harbor master and British consul what the Alabama had done in Danish waters; then entered my ship at the custom-house, and arranged for coaling.

February 24.—This day the United States steamer Wachusett arrived, with Admiral Wilkes on board, also the Oneida as tender. In the evening, it being currently reported on shore that Admiral Wilkes had said the Alabama ought to have captured the Peterhoff, I advised with some of my passengers, and concluded to ask the advice of the British consul, in the morning, as to whether I had not better call on Admiral Wilkes with my papers, to get them indorsed by him, to prevent further molestation from United States ships-of-war.

February 25.—At 8 a. m. I called on the British consul, and consulted with him on the above-mentioned subject. He said that Admiral Wilkes's pass would be of no avail, and he did not consider it at all requisite, as our papers were perfectly legal; and having her Majesty's mails on board for Matamoras, he did not think they would dare stop the ship, being free and going to a neutral port. On this advice I acted, and proceeded to sea. At 0.45 p. m. we cast off the buoy, and steamed slowly out of the harbor. At 1 p. m. one of the air-pumps became disabled, so that no vacuum could be obtained; stopped the engines, and made all sail; passed the United States steamer Vanderbilt going in, and when she arrived off the harbor mouth we observed her exchanging signals with the admiral's ship. At 2 p. m. the said steamer followed us, and at 2.20 p. m. ordered us to heave to, which we did, (Buck island being east by north $\frac{1}{2}$ north, lighthouse northeast, from St. Thomas north-northeast, Sail rock west by north $\frac{1}{4}$ north.) An officer, Mr. Keyser, (acting ensign,) then came on board and requested to see the ship's papers; they were shown to him, and he examined them, and also made a note of the ship's having a mail on board; and when about to leave the ship, at 2.55 p. m., and in his boat, he ordered me to remain hove to with the ship, and said the papers were not in due form, as they were not indorsed by the consul at St. Thomas. I replied, "You must have overlooked it, sir; but if you will kindly step up again I will point it out to you." This he declined, and left for the Vanderbilt. At 3.30 p. m. Mr. Keyser returned, and ordered me on board the said ship, with the papers and documents connected

with the Peterhoff, stating, at same time, in the event of my refusal, an armed crew would be sent on board to take charge. I told him that his commander was at liberty to send as many officers as he thought proper to examine the papers here on board, and also to search the ship if he wished; but that as I held a commission in the naval reserve, (which in itself should be a guarantee,) and having her Majesty's mails on board for Matamoras, as master of the ship and mail agent, I objected to leave her at sea, and particularly after such a threat as held out. I said, "The papers have already been overhauled and passed (as you are aware) by the United States steamship Alabama, and you are all perfectly welcome to see them again." He replied, "I will return and report;" and during the whole of the above conversation, I particularly called the attention of my officers and passengers to witness the same, and one and all strongly protested against my leaving the ship, except by force of arms. At 4 p. m. we were boarded by two boats' crews fully armed, consisting of three officers and twenty-one men, who forcibly took charge of our ship, and prevented my chief officer from touching the English ensign, which was flying the whole time. One of the crew took charge of the wheel, and their engineer officer of the engine-room. The Vanderbilt then steered for St. Thomas, for further instructions, and I requested them to call on the British consul. Our ship remained hove to under the entire charge of Mr. A. C. Alexander and his crew. The weather looking squally, I called the officer's attention to the same, and told him I held him responsible if anything was injured or carried away. He replied, "All right, sir." At 7 p. m. myself and officers and passengers were all ordered below, crew likewise, and two armed sentries were stationed at the cabin-door, others on the bridge and fore-castle. I then asked permission to see the officer in charge, and protested strongly against such an act of gross tyranny, depriving us of liberty and fresh air; at the same time I requested him to stand toward St. Thomas, as I wished to return to that port. He replied, "My orders are to remain where I am; and I must be very careful and cautious, for one of my men has just reported to me that the captain was seen loading his revolver." Now, seeing that Mr. Alexander was in a great state of agitation and fear, I begged of him to dispose of and banish from his mind all ideas respecting our wishing to retake the ship, for, in the first place, being disabled in our machinery, we could not make our escape; secondly, it would be the last of our thoughts, under existing circumstances; for although it would be an easy matter to do, I trusted we had too much good sense to attempt it.

At 7 p. m. the Vanderbilt again returned, and we were boarded by an officer, Mr. E. Lewis, who, in a most authoritative tone, in the cabin where we were all detained as prisoners, demanded the ship's papers to be delivered up to him to be sent to Captain Baldwin, of the Vanderbilt. I told him I could not let them go out of my possession, nor over the ship's side, and did not feel myself justified in delivering them up to any one but a British consul, or some other British officer in authority, and not even then without a proper receipt—more particularly, after Admiral Wilkes's remarks as currently reported at St. Thomas, for I could not tell what use they might wish to make of them; but at the same time again wished him to understand that himself or any number of officers were perfectly welcome to examine them on board the ship. He replied, "Then, sir, consider yourself as no longer in command of this ship. I take charge and command of her in the name of the United States, and as long as you treat me as a gentleman I will treat you the same." At 9.50 an officer came down and demanded all the small arms belonging to self, officers and passengers; they were given up to him, (for which he refused to give a receipt,) and they were sent on board the Vanderbilt. At about the same time the whole of our crew were taken on board ship, excepting self, first officer, second engineer, steward, cook and boy, and the passengers. Myself and mate kept close prisoners in the cabin, with two armed sentries at the door. Now the Vanderbilt having

been to St. Thomas, I asked them if they had not called on the British consul as I requested. They replied, they had not done so; they had only communicated with Admiral Wilkes. I said, "If you had brought me a note from my consul, I would have been guided by his advice." I then wrote a note to Commander Baldwin, (copy see margin,) and about 11.45 p. m. received a verbal reply stating that he declined interfering with the freight. Our ship remained here to during the night, exchanging officers, crew, and also provisions. At 7 a. m. the next day, the 26th, we bore away for Key West, (as reported,) and the Vanderbilt steamed towards St. Thomas.

Letter from Capt. Jarman to Commander Baldwin, before referred to.

STEAMSHIP PETERHOFF, *February 27, 1863.*

SIR: My ship having been forcibly taken possession of by an armed crew from your vessel, I hereby strongly protest against your proceedings as an act most illegal. My ship's papers were examined on the 20th, and passed by the United States steamship Alabama, as you are aware, and now but partially examined by your own officers.

I beg leave to inform you that we have her Britannic Majesty's mails on board for Matamoras; and as I am desirous of having them forwarded to their destination as quickly as possible, may I request you to cause them to be delivered to the British consul at St. Thomas, to be disposed of by him?

I am, sir, your obedient servant,

S. JARMAN,

Lieutenant R. N. R., Commanding Steamship Peterhoff.

March 7, 1863.—At 1.30 p. m. we were boarded by a government pilot, who took charge, and at 1.45 p. m. they brought the ship into the harbor of Key West—myself and passengers detained on board. Captain Lewis and pilot left the ship. I then sent a note to her Britannic Majesty's consul.

STEPHEN JARMAN, *Master.*

H. BOND, *Mate.*

Witnesses: Samuel J. Redgate, Lloyd's agent, Matamoras, G. W. Almond, Robert Bowdon, F. Mohl, P. J. Edwards, John H. Ellsworth, Theod. Heych.

Additional extracts, as copied from the official log-book of the steamer Peterhoff, attested by the captain and mate.

Thursday, February 26, 1863.—At 10 a. m. the cook came aft and reported that the fore-castle room had been broken open by the prize crew during the night, and that the whole of the hams, bacon, and cheese, also some tea and sugar, had been stolen therefrom. I ordered him to nail the door up, and to let me know if he saw anything going wrong. I then reported to Mr. E. Lewis, officer in charge. He said he would inquire into it. In overhauling the machinery, the engineer in charge found a small chip of wood in one of the air-pumps. It is now all right, and she is working as before. All plain sails set; no stud sails. One-half the passengers and self allowed on deck at same time; the other half confined to the cabin, an armed sentry stationed at the door, and a corporal close by.

Friday, 27th.—At 8 a. m., steering to go through the Mona passage. We

sighted a steamer. At 11.15 we shortened sail, and they hoisted our ensign, when the steamer Alabama spoke us; asked what ship, and if we were a prize. Mr. Lewis replied yes, and bound for Key West, and also told them that the Vanderbilt was at St. Thomas. She then bore away, and we made all steam and sail. It was now blowing fresh from the northeast, with a high beam sea running, and having some coals on deck, caused our ship to roll heavily. I protested against going out by that passage, and explained the advantage of going to leeward. Mr. Lewis immediately bore up for the south side of St. Domingo. I omitted to mention, yesterday, my charts were called for as soon as we started, and three or four taken to navigate the ship. The cook again reported the storeroom broken open, and log-line and canvas missing. I requested Mr. Lewis to have the after hatch taken off for benefit of cargo. It was done accordingly. Passengers still under same restrictions; an armed sentry still kept at cabin door.

Saturday, 28th.—Steering to westward, along south side of St. Domingo. Nothing particular occurred this day, excepting storeroom again broken open; called Mr. Lewis's attention to the hams and bacon brought to the galley to cook; canvas and small line missing; not being allowed to go forward, cannot tell exactly what is going on. All the passengers allowed to go on deck; armed sentry still stationed at the door day and night; after hatch off during the day.

March 1.—Fine weather throughout. At 10.30 performed divine service in the cabin; passengers all in attendance. Our stores still being used by the men forward. Ship making slow progress through not keeping steam up.

March 2.—At noon, off Falmouth, (10 miles,) Jamaica. Hatches off during the day. Observed very few hands at work, and they seem to be shut in the engine-room.

March 5.—At 2 p. m. made the light-house on Cape St. Antonio. At noon, fresh northeast winds, and fine. Ship steering towards Key West, going very slowly; little steam.

March 3.—The cook reported the new canvas and houseline being used by the prize crew. Heading to the northeast, this day we arrived. Sentry at the saloon door.

S. JARMAN, *Captain.*

H. BOND, *Mate.*

Lord Lyons to Mr. Seward.

WASHINGTON, *April 9, 1863.*

SIR: I have the honor to transmit to you extracts from a correspondence between the British vice-consul at Key West and Rear-Admiral Theodorus Bailey commanding the United States squadron at that place; as well as a copy of a despatch from her Majesty's consul at New York. It would seem, from these papers, that the mail found on board the captured steamer Peterhoff has been dealt with, both at Key West and at New York, in a manner which is not in accordance with the views of the government of the United States, as stated in your letter to the Secretary of the Navy, of the 31st of October last. I do not doubt that you will deem it right to take the matter, without delay, into serious consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

• [Extract]

UNITED STATES FLAG-SHIP ST. LAWRENCE,
Key West, March 14, 1863.

Your letter of yesterday's date, enclosing one from Captain Jarman, of the 11th, has been received.

In reply, I have to state that the instructions of the United States government to any officer who shall capture or seize upon any ship as a prize are: "That, to avoid difficulty and error in relation to papers which strictly belong to the captured vessel, and mails that are carried, or parcels under official seals, you will, in the words of the law, preserve all the papers and writing found on board, and transmit the whole of the originals unmutilated to the judge of the district to which such prize is ordered to proceed."

THEODORUS BAILEY,

Acting Rear-Admiral, Commanding E. G. B. Squadron.

AUBREY J. BUTTERFIELD,

H. B. M. Vice-Consul, Key West.

[Extract.]

BRITISH VICE-CONSULATE,
Key West, March 13, 1863.

Seeing by a letter I have received from Captain Jarman, of the Peterhoff, (a copy of which I now have the honor to enclose,) that he has government mails on board for Matamoras, I would respectfully request that they may be sent on to Matamoras by the brigantine Magicumne, which vessel leaves this to-morrow.

AUBREY J. BUTTERFIELD.

Acting Rear-Admiral BAILEY,

Com'g E. G. B. Squadron, Flag-Ship St. Lawrence.

Consul Archibald to Lord Lyons.

BRITISH CONSULATE,
New York, April 6, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's despatches of the 2d and of the 3d instant, in reference to the capture of the Peterhoff, and have to report to your lordship that the master and passengers were all severally released, after their examinations had been taken in preparatorio before the prize commissioners. These examinations, I believe, are not yet completed; but I apprehend that nothing whatever has been or will be elicited which can, in any manner, warrant the seizure of the vessel.

I have further to report that on Saturday last, pursuant to a notice from Mr. Commissioner Elliot, I attended his office to be present at the opening of the mail-bag of the Peterhoff. On arriving at the commissioner's office I there saw the mail-bag in question, which was sealed with the seal of the general post office, London, the bag being marked as follows: Ship's letter-bag, steamship Peterhoff; Bennet & Wade, ship and insurance brokers, London. As the bag was sealed with the seal of the general post office, London, I protested against the breaking of the seal. It was, nevertheless, opened by Mr. Elliot, in the presence of the district attorney, when there were found inside one small bag and thirteen packages of letters, all sealed with the seals of the general

post office, London. The envelopes being printed official envelopes, with the royal arms, and all being regularly addressed to the postmaster, Matamoras, per Peterhoff. These packages were marked as having been received at the general post office from county offices, namely, the small bag and seven packages from Plymouth; five packages from Gravesend, and one from Falmouth; two of the packages were marked *immediate*.

The small bag, on being opened by Mr. Elliot, was found to contain one large despatch from the Mexican consulate in London, under the consular seal, addressed to the administrador de la aduana, Matamoras, and a large sealed letter to Messrs. Droege, Oething & Co., Matamoras, together with a letter bill from the general post office, London, specifying these two letters, and signed J. Stephenson, for the controller.

On receiving these packages thus sealed and addressed, the commissioner and district attorney, determined, for the present, not to open them, and promised to notify me if, and when, they shall proceed to break the seals and examine their contents.

I have, &c.,

E. M. ARCHIBALD.

LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 9, 1863,

MY LORD: I have already acknowledged the receipt of your lordship's note of the 28th of March last, concerning the claim by her Majesty's government of damages in behalf of the owners of the steamship Labuan.

Before proceeding to give you the views of this government upon the questions actually submitted in your note, I deem it proper to review the correspondence between this department and your government touching the case of the Labuan, with a view to correct some conclusions in your lordship's note which seem to me erroneous.

On the 1st of March, 1862, your lordship addressed me a note, with which was enclosed a copy of a letter which had been addressed to her Majesty's consul at New York, by Messrs. J. H. Ferrick & Co., in which those gentlemen directed the consul's attention to a statement in the New York Herald of the seizure of the Labuan, and inquired whether the Edmund Hawkins, a vessel in which they were interested, was liable to seizure if she should enter Matamoras for a purpose similar to that with which the Labuan had visited that port, namely, to ship cotton which had been purchased there by Messrs. De Jersey & Co., of Manchester, England. Your lordship remarked upon the subject that you were without any information concerning the capture of the Labuan, beyond the statement made in the letter of Messrs. J. H. Ferrick & Co., and therefore you would not importune me on the subject. Your lordship added that, being informed that the Labuan had arrived at New York, you did not doubt that if she should prove to have been unlawfully captured, prompt redress would be accorded.

I had the honor to answer your note of the 3d of March, 1862. Being then entirely ignorant of the circumstances of the transaction, I simply stated that no instructions had been given to capture neutral vessels, *bona fide* traders to Matamoras; and that if any such had been or should be captured, and the legality of the voyage should be judicially established, I presumed that due reparation would be made.

Your lordship favored me with a visit on the subject on the 7th of March, and in

formed me that you had received despatches which had been sent by the British vice-consul at Matamoras to her Majesty's consul general. I cheerfully agreed to read them, and, in compliance with my suggestion, you sent them to me unofficially in the course of that day, with a note saying that they would show the circumstances of the seizure of the Labuan, and explain the alarm you had verbally expressed to me in the morning with regard to the proceedings of the captain of the Portsmouth.

The first of those despatches bore the date of the 9th of February, 1862, and it stated, in effect, that the Labuan and her cargo were entered and discharged conformably with the regulations of the Mexican port of Matamoras, and cleared for Havana with a cargo of cotton and specie on the 24th of January; that the captain having proceeded from Matamoras to the mouth of the Rio Grande, with all the documents for his ship and cargo and a part of the latter for shipment, was detained inside of the river bar by tempestuous weather. The United States ship Portsmouth, Commander Swartwout, arrived there on the 1st of February, and a crew from her boarded the Labuan, lowered her colors, removed her from her moorings, and transhipped the cargo of a prize on board the Labuan. That on the morning of the 4th of February the Labuan had disappeared, and that on the 5th, when the vice-consul asked Commander Swartwout for an explanation, he answered that the Labuan had been sent to port for adjudication, and that the reasons would be made known before the competent tribunal. That when the consul insisted on a further explanation, Commander Swartwout replied that the Labuan had violated the blockade by loading cotton from Texas brought on board by a rebel steamboat, thereby giving aid and comfort to the enemy. That the vice-consul thereupon stated to Commander Swartwout that the cotton had been despatched from Matamoras, and that the Labuan lay in that port, and the commander said he did not care; that he knew the cotton had come from Texas; that Matamoras had no port; he would not be fooled, but would seize all cotton and every vessel carrying cotton and violating the blockade. That the vice-consul protested against the whole act as an outrage to the British flag; to which the commander rejoined with great impatience. In his communication the vice-consul admitted that the cargo was taken on board by steam-lighters belonging to citizens of the United States in Brownsville, Texas, by whose means most of the cargoes shipped from Matamoras are put on board the vessels which are to carry them, but said that the vessel lay in Mexican waters, and claimed that by the treaty of Guadalupe Hidalgo the neutral waters extend a maritime league north and south of the mouth of the Rio Grande. The consul enclosed with his communication the ship's papers, protests and freight list of the Labuan.

In another letter to the consul general, General Crawford, dated on the 9th of February, 1862, the vice-consul invoked protection of the shipping interests of her Majesty's subjects at the port of Matamoras, mentioned the number of vessels lying there with cargoes, and complained of his inability to get a recognition of the rights of British vessels.

On the 8th of March, 1862, I had the honor to thank you for the paper, and, stating that I had no other information of the affair of the Labuan except newspaper reports, I engaged to ask the Secretary of the Navy for the facts, and on perusing it, to return the aforesaid paper to your lordship, and give you the opinion of this government on the questions arising in the case. I added on that occasion that if it should appear, as you thought it would, that the capture was manifestly illegal, I should not hesitate to acknowledge it, without waiting for a judicial examination; that such a departure from the customary mode of proceeding would seem to be required by the interests of the United States, inasmuch as it would prevent many captures likely to be made in similar circumstances, but that such a decision could not be made without a full knowledge

and deliberate consideration of all the important facts as they might be presented by the capturing officer, as well as by the owners of the Labuan.

On the 12th of March, 1862, I received from the Secretary of the Navy the official reports of the capture of the Labuan. The flag officer, Captain McKean, having received the Labuan, with the reports, stated that under the circumstances the only proper course, as he thought, was to send the Labuan in for adjudication, and he at the same time enclosed a copy of the orders which he had given to Commander Swartwout previous to the capture of the Labuan, by which orders he was informed that no neutral vessel proceeding towards a blockaded port without contraband of war should be seized or detained, unless she had received specific notice of the blockade.

The report of Commander Swartwout stated that the Labuan had no regular papers.

On the 13th of March, 1862, in an unofficial note to your lordship, I observed that I was not satisfied of the legality of the capture, but that inasmuch as the Labuan had been sent to New York for adjudication, it seemed preferable that nothing further should be done in the matter until the result of the judicial proceedings should be known. I suggested that this course was the more eligible, because, if the capture should be held unjustifiable, it would be the duty of the court to award damages; that these could be paid only in pursuance of an appropriation to be made by Congress; and that the proceedings of that body would be more certain and expeditious if based upon a decree of a judicial tribunal than they would be upon an executive assumption, without judicial investigation, that the capture was unlawfully made.

At the same time, copies or originals of all the papers which your lordship had given me were transmitted to the United States district attorney at New York, with all the other papers received at this department, to be laid before the prize court, with a view to not only a just but also a speedy disposition of the case, which the attorney was requested to procure.

On the 23d of April I received a note from your lordship, to the effect that her Majesty's government had had the correspondence under consideration; that the subject appeared to them to be one of a very serious aspect, as well in reference to the particular case itself as to the principles involved; and your lordship was instructed to demand the prompt release of the vessel, cargo, and papers, and compensation for all losses sustained.

On the 26th of April I had the honor to inform your lordship that that communication had been submitted to the President, and that, in view of the fact that the correspondence which had taken place concerning the case was chiefly unofficial, the President was of opinion that it was preferable that nothing further should be done by the executive until the result of the judicial proceedings at New York should be made known; and I further stated that the President was strengthened in this view by having read a despatch from the consul at Matamoras, a copy of which I gave you, which tended to prove that the cotton with which the Labuan was freighted was not neutral property, but was, in fact, fraudulently supplied by insurgent citizens of Texas. I further endeavored to reassure your lordship that judicial assessment of damages would be vastly more easy and advantageous than an executive one. I further stated that I should avail myself of the best and easiest mode of testing the claim of the Labuan.

On the 26th of May the United States district attorney at New York announced to me the release of the Labuan and her cargo, by virtue of a decision of the prize court. In this communication the district attorney informed me that the court reserved for consideration the question as to whether damages should be allowed against the naval captors for the seizure. He said that the opinion of the court was oral, and was, in substance, as follows: That the papers on the ship showed both the vessel and her cargo to be neutral property; that the blockade was not effective; the ship Portsmouth, which was the only

vessel on the station, had come upon it only on the 1st of February, 1862, the day when the capture was made, while the Labuan had been lying at anchor there since the 1st of January, then ultimo. The district attorney proceeded to promise me that, when a judgment on the question should be rendered, he would send me a copy of any written opinion that might then be pronounced.

On the 28th of May, 1862, I communicated a copy of this letter of the district attorney to your lordship. Certainly I did not then doubt, nor do I now think I had any reason to doubt, that the owners and claimants of the Labuan and her cargo would, without any delay, lay their claims for damages and costs before the prize court, and ask its judgment for the same. Had they done so, the amount of the award could have been examined by the parties themselves, and by this government, and, with any change of the sum which should have been found necessary to perfect justice, it could and it would have been promptly submitted to Congress at the last session, with a proper request for the needful constitutional appropriation. Thus the case rested in the court.

On the 12th of October, 1862, the Hon. Mr. Stuart, who, during your absence from Washington, was charged with the affairs of your legation, advised me by a note that he had informed the parties interested of the order of the court. He enclosed a copy of letters from Messrs. Bailey & Leetham, the owners, and Messrs. De Jersey & Co., the charterers of the Labuan, forwarding certified copies of affidavits and declarations, setting forth their respective claims in the case. Mr. Stuart informed me that he was instructed by her Majesty's government to say that a sentence merely restoring the vessel to its owners, without the costs of the litigation and the damages incident to detention, would fall very far short of justice, or, quoting my own language, that due reparation to which the sufferers by this wrongful and unjustifiable violence were entitled; and Mr. Stuart, under instructions, added that the claimants are entitled to whatever damages have been occasioned by the act of the wrong-doer, according to precedents in Great Britain and the United States; that her Majesty's government can scarcely suppose the court will fail to apply this principle, and to condemn the captor in damages as well as costs. Mr. Stuart proceeded to say that the peculiar circumstances attending the case of the Labuan warrant her Majesty's government in appealing to the United States for immediate compensation, both of the charterers and owners, directly from the government.

Mr. Stuart, after reciting the circumstances of the seizure, proceeded to say: "Lord Lyons appears, from one of his despatches to Earl Russell of the 15th of March last, to have pointed out emphatically and carefully to the Secretary of State that sending in for adjudication would largely increase the expenses already incurred, and add to hardships and inconvenience already suffered by this innocent ship; that it might be necessary that the claims should be submitted to persons professionally competent to decide upon them, but the damages ought to be assessed upon the principle that the seizure and the detention were, throughout, without a pretext of legal justification."

On the 16th of October I transmitted a copy of Mr. Stuart's letter, with the enclosures, to the United States district attorney at New York, in accordance with a note which, on the 14th, I had had the honor to address to Mr. Stuart, in which I informed him that there was, in my judgment, no reason to doubt that the court would render justice to the claimants.

I did not at that time doubt that the claimants had followed, or, at least, would follow, their claim before the court, which, as it seemed to me, had every facility and competency to award damages to the claimants; and, under a belief that when the claimants should have moved the court to a decree of damages, that decree would then be brought to the attention of this government by the claimants or by your lordship, the transaction passed out of my thoughts, and it was not recalled until on the 28th of March last, when I received a note concerning it from your lordship.

I find in this note the remarks that the sending back this vessel (the *Labuan*) to the prize court for further adjudication, as to costs and damages, is, even if technically correct, a practical evasion of the plain duty cast upon the government of the United States to make, without delay, all the reparation in its power for an act of hostility towards a neutral and friendly state, condemned alike by the government and the legal tribunals of the United States; that the delay which has been already occasioned, by the sending of the case back to the prize court, is, in the opinion of her Majesty's government, a serious addition to the injuries already sustained by the owners of the *Labuan*; and also that her Majesty's government feel bound to observe that it is no small aggravation of the injury to the owners, that, by reason of the delay occasioned by referring the case again to the prize court, the payment of the compensation to be awarded to them must, in all probability, be deferred until the reassembling of Congress.

Such was the reply given by the British government on the 28th of March, 1863—twenty-four days after the adjournment of Congress—to the decision of this government, communicated to your lordship on the 14th of October, one and a half months before Congress assembled.

I immediately applied to the United States district attorney at New York to know whether any decision had been made by the prize court in the case of the "*Labuan*," in regard to damages and costs. In reply I have received the decree of the court, made on the 21st day of May, 1862, a copy of which I subjoin. From this decree I learn that the cause was argued by counsel for the claimants, and that the court decided that the vessel was not a lawful prize; and it was decreed that the vessel and cargo be restored to the claimants without delay, and that the court reserved all questions of costs and damages for the future adjudication of the court; and that although this reservation was made, and although the district attorney had been in possession of all the papers touching the question which your lordship had put into my hands for the purpose of submitting them to the court, yet that the claimants had never in any way moved the court with any application for the award of damages. I think no one would have expected the court to proceed to the reserved question of damages without a motion thereto by the claimants or their counsel. And I think the President would have found it difficult to satisfy Congress concerning any award of damages that this department might have made, while the question of damages was judicially remaining before the prize court through the inactivity of the claimants.

From the review of the correspondence which I have now given, it may be ascertained how far the action of this government is obnoxious to the reflections in which, under the direction of her Majesty's government, your lordship has indulged.

I freely admit that I believe the claimants entitled to damages and costs. I am not prepared, upon the information I now have, to deny that the damages ought to be assessed upon the very principle for which you contend, namely, that the seizure and the detention were throughout without a pretext of legal justification. I am, at the same time, unprepared to admit that proposition in its full extent, without a review of the testimony which the court has among its records, for the purpose of adjudicating upon that very question. I now learn from the district attorney that the court delivered no written reasons for their decree of restitution, and that the alleged reasons for the decree which were furnished to me by that officer, and which, as hereinbefore set forth, although probably they are correctly stated, were taken by him from an unauthorized newspaper publication, and which I am therefore unable to accept definitively as authentic.

I think that it is perfectly regular and legal to wait for the court to decree the damages. I know no reason to doubt, and I do not doubt, that the court will

decide the question with more exact justice than this department, or any other executive department, could perform that duty. I think also that it can decide upon the subject with at least as much of certainty of absolute justice as any commission of merchants could do, and can do so with more ease, because it can even command the testimony of such mercantile persons. I believe that if the owners of the "Labuan" had moved the court, as they had a right to do, they would have obtained a decree which could have been reviewed and made the basis of a recommendation for appropriation by Congress at its last session. I do not hold, and I have never held, that the decree which the court may make on the subject of damages will be absolutely conclusive against your government in regard to the amount. But I do think it would be not only proper, but eminently useful, to have the judgment of the court concerning the amount of damages, and the principles of the judgment, for examination, if it shall finally be found necessary for this department to ascertain and state the sum which shall be paid, and so actually to commit the nation for the amount that the Congress shall appropriate in satisfaction of the claim.

In conclusion, I am authorized by the President to inform your lordship that the district attorney will be immediately instructed to give notice to the claimants or their counsel, as he may be able, of an early day when he will move the court to proceed to consider and determine what damages and what costs shall be awarded to the claimants of the ship "Labuan" and her cargo for her unlawful seizure, and to place before the court on that occasion all the proofs which have been furnished to this government by her Majesty's government; and in pursuance of such notice, the district attorney will be instructed to prosecute the question of damages and costs to a decision, whether the claimants appear or not.

When that decision shall have been obtained, its effect will be immediately communicated to your lordship. If it shall be satisfactory, it will be recommended to Congress to make an appropriation for the payment of the sums awarded. If unsatisfactory, I shall then receive with entire pleasure any objections to it that may be made by or on behalf of the claimants, or on behalf of their government; and if I shall not be able to adjust the amount satisfactorily to both governments without a reference to impartial mercantile persons, I shall then be prepared to consider, with the most entire respect, the expediency of such a reference, with directions that the referees shall report so seasonably as to admit an application to Congress at the next session for its authority to pay the damages and costs which shall thus finally be ascertained.

For your lordship's information I append the note touching the proceedings of the prize court, which I have received from the district attorney of the United States at New York.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 9, 1863.

MY LORD: Adverting to your note of the 7th ultimo, relative to Acting Rear-Admiral Wilkes's alleged threat to capture a British mail packet bound for a British port, on the sole ground of her carrying to that port officers or other passengers belonging to the so-called Confederate States, and to my reply, I now have the honor to inform you that the report has been brought to his notice, and that he authorizes the Secretary of the Navy to pronounce it entirely erroneous and without any foundation in fact.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 11, 1863.

MY LORD: Referring to your communication of the 26th ultimo, in which complaint is made of the firing of a shot across the bows of her Majesty's ship *Desperate* by the United States steamer *Memphis*, on the 26th of February last, and to my reply, I now have the honor to enclose to you the copy of a letter of the 7th instant, from the Secretary of the Navy, on the subject, which it is hoped will be regarded as satisfactory.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

April 7, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 31st ultimo, covering the communication of Lord Lyons, and copies of the despatches of Commander Thrupp, of her Majesty's ship *Desperate*, and of Sir Alexander Milne, complaining that the United States steamer *Memphis*, on the 26th of February, fired a shot across the bows of that vessel.

The rule in ordinary cases is, undoubtedly, as is stated by Admiral Milne, and the presumption is, that our ships of war, as a rule, conform to it; but there are circumstances attending a blockade rigidly enforced, like that maintained by our squadrons, which furnish extenuating circumstances that palliate, if they do not form an exception to justify, the seeming discourtesy. From the unceasing efforts made by reckless and unscrupulous parties to violate the blockade, the armed vessels are in the exercise of unremitting vigilance, and, that they may be always prepared, have all their guns shotted. The sudden appearance of a vessel "steaming along the land for Charleston," as was the case of the *Desperate*, as reported by Commander Thrupp in his despatch, "the fog so thick that the blockading squadron could not be seen until within three or four miles," left no time for preparation.

It must be borne in mind that blockade duty requires sleepless vigilance; and that of our officers is made more difficult from the courtesy extended to neutral relations of permitting their men-of-war to enter the blockaded ports. It is necessary that vessels approaching a blockading force should check their speed, and wait until the sentinel vessel is satisfied of their true character.

Commander Thrupp, if aware of these facts, does not seem to have observed them; and, while he refused to receive a disavowal of insult which was tendered him before he anchored, states that he passed the *Memphis*, which hailed him, without stopping; that he was told that it was intended he should come no nearer until he was boarded; that though he had the appearance of a man-of-war, we had suffered from courtesy to apparent foreign men-of-war; that vessels had hoisted English colors and answered, when hailed, that they were English men-

of-war, and afterwards fired into and sunk our ships, as in the case of the Hatteras.

These explanations and the distinct disavowal of insult were insufficient to satisfy Commander Thrupp, who denied that the cases were similar, seeing that it was daylight, and the two ships within a mile of each other; that the shot did not stop him; speaks of the "outward appearance of his ship," his "ensign and large pendant," &c.

Admiral Milne also states, "they had their colors flying; they were steering for the ships of the blockading squadron, from which they were still at a considerable distance," &c.

It is well known that the English-built steamer *Oreto*, now called the *Florida*, in the month of September last approached the blockading force off the harbor of Mobile, under precisely the circumstances stated by Admiral Milne. It was in open daylight; she had the English flag and pendant; she steered directly for the blockading squadron, and the senior officer, in his desire to be courteous to an English man-of-war, failed to do his duty—permitted the vessel to approach him—and the consequence was, she passed him and entered the harbor of Mobile. The officer guilty of this neglect strove to vindicate himself on the ground that the piratical craft was an English-built vessel, with the English ensign, and all the outward appearance of an English man-of-war; and he found a willing witness in Commander Hewite, an English naval officer of Admiral Milne's command, who obtruded the following letter to shield the officer from censure for remissness:

"HER MAJESTY'S STEAMER RINALDO,

"New Orleans, November 27, 1862.

"DEAR CAPTAIN PALMER: Having heard, in conversation with you, that Commander Preble, of the United States navy, had been dismissed in consequence of allowing the *Oreto* to pass his vessel, she being at the time employed in blockading Mobile, I beg to offer the following remarks with regard to the *Oreto*, which you are at perfect liberty to use, should they be productive of anything that would tend to alleviate the censure cast upon Commodore Preble.

"When at Nassau in June last, we met the *Oreto*, and she was reported as an English despatch vessel by my signal man, as well as by others. She was painted like a British vessel-of-war; and on going on board, I found her fillings the same as our vessels of the same class. Had I met the *Oreto* at sea, armed and having a pendant, I should have taken her for one of our ships.

"Yours, very sincerely,

"W. N. W. HEWITE,

"Commander R. N."

I have taken occasion to allude to this subject at some length, and to cite this voluntary testimony from an English officer of Admiral Milne's command, if I mistake not, in order that the commanders of English armed vessels may appreciate the watchful vigilance of our officers, and when approaching our blockading squadrons, that they may be admonished to exercise great caution, and to check or entirely stop their progress until the blockading force is fully satisfied of their true character. Greater vigilance is required as regards English men-of-war, from the fact that the piratical cruisers which are plundering our commerce, one of which, as stated, ran the blockade at Mobile under English colors, and the other which, off the port of Galveston, declared herself to be English, are both English-built vessels, and are understood to be manned almost exclusively by Englishmen. So in regard to almost every vessel engaged in the business of running the blockade, and conveying munitions and aid to the rebels, who are making war upon this government. With scarcely an exception, they are

English vessels—many of them, as the *Georgiana*, the *Bermuda*, the *Memphis*, the *Caucasian*, &c., adapted for armament.

While, therefore, our officers will be enjoined to the observance of every courtesy, and to forbear, so far as they can, from the discourtesies complained of, I trust that her Majesty's officers will duly appreciate the circumstances I have referred to, and, when approaching our blockading squadrons, bear in mind that our ships are on exacting and unremitting belligerent duty; that they have reason to suspect neutral vessels, especially those of English build and appearance.

The papers transmitted are herewith returned.

I have the honor to be, very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 11, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 9th instant, representing that Rear-Admiral Theodorus Bailey and the prize commissioner at New York have disregarded the arrangement in respect to the British mails on board the captured steamer *Peterhoff*, and to inform you, in reply, that the matter has been brought to the notice of the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 11, 1863.*

MY DEAR SIR: Being unable to wait upon you in person to-day, I think it right to send you without delay the subjoined extracts from a private letter dated yesterday, which I have just received by the afternoon's post from her Majesty's consul at New York:

"I have just returned from the prize commissioner's office, having been requested by the district attorney to attend, if convenient, in reference to the mail bag of *Peterhoff*. After waiting there some time the district attorney and Mr. Evarts, counsel for the government, appeared and informed me that the court had directed that the mail parcels should be opened in order to see what letters were enclosed relating to the cargo on board the ship, and requested that I would open the packages and select such letters as appeared to me to relate to the cargo on board or to the consignees mentioned in the manifest, and to take charge of the residue with a view to forwarding them to their destination.

"With this application I refused to comply, protesting, first, against breaking the official seals of those packages; and objecting, secondly, to assuming the function, rightfully or wrongfully, of selecting letters to be retained, disclaiming, in short, all right to do so, and objecting to the whole proceeding.

"Upon this Mr. Evarts replied that he regretted that this should be the means of delaying the forwarding to their destination of letters that no one desired to retain here, and that it would lead to bringing the whole mail into court, and

might prejudice innocent parties. I replied that if they thought fit to open the packages I should attend to witness (under protest) their examination, but, as I then regarded my duty, I could not consent to open them myself.

"After some conversation Mr. Evarts decided to replace the packages in the bag and leave it to the court to retain the whole mail, which would, nevertheless, be opened and examined by order of the court."

Mr. Archibald, it appears, finally came to an agreement with Mr. Evarts to let the matter stand over until Monday, (the day after to-morrow.)

All these proceedings seem to me to be so contrary to the spirit of your letters to the Secretary of the Navy, of the 31st of October, that I cannot help hoping you will send orders by telegraph to stop them. I shall be much obliged if you will answer this letter as soon as you conveniently can, in order that I on my part may send instructions to the consul. I should have endeavored to see you and speak to you on the subject, instead of writing, had I not been, as you know, kept at home by illness.

I should also have liked to speak to you about information which has been given me that orders have been already sent hence to discharge the cargo of the Peterhoff at once, and take the vessel for the government service.

I cannot but fear that this order, if acted on, may add very materially to the gravity of any questions which may arise from the capture.

In haste, yours faithfully,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 13, 1863.

MY LORD: I enclose a copy of a correspondence between Rear-Admiral Wilkes and the governor of the British island of Barbadoes, relative to an alleged disregard, by the latter, of her Majesty's orders in permitting the insurgent steamer Florida, Maffit, commander, to take in a supply of coal at that island, after having taken in a full supply at Nassau only thirty days before.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *April 6, 1863.*

SIR: I have the honor to submit for your perusal, and such action as you may deem proper, the accompanying despatches, Nos. 19 and 24, from Acting Rear-Admiral Wilkes, with copies correspondence between him and Governor Walker at Barbadoes.

I desire to respectfully invite your attention to the fact here disclosed of the manner in which her Majesty's proclamation is observed and regarded, especially in permitting the rebel privateer Florida to coal in full at Nassau with a supply of 160 tons, and in thirty days thereafter to again receive a supply at Barbadoes, against protest of the American consul.

Hoping these infractions may receive particular consideration, I have the honor to be, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 15, 1863.

MY LORD: I have the honor to communicate a copy of a telegram of yesterday, addressed to me by the collector of the customs at San Francisco, California, relative to conspiracies of insurgents in the neighboring British colony of Van Couver's island for fitting out privateers to sink and burn United States merchant vessels. It has occurred to me that you might deem this a sufficient occasion to communicate with the colonial authorities there on the subject.

I have the honor to be, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

[Telegram.]

SAN FRANCISCO, *April 14, 1863.*
(Received at Washington April 15, 1863.)

Collector at Puget sound reports places for fitting out privateers at Victoria. Secessionists very active; and our officers much alarmed. Colonial authorities inform consul that they cannot interfere with the fitting out of privateers. Can anything be done to secure instructions from home government? I am trying to get commanding naval officer to send a steamer to the sound.

IRA P. RANKIN, *Collector.*

Hon. W. H. SEWARD.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 15, 1863.

MY LORD: With reference to the case of the British steamer Peterhoff, I have the honor to acquaint you that it has been determined that any interference by the executive government at present with a view to the restitution of that vessel is not advisable.

The United States attorney at New York, however, has been instructed to prosecute the case to a result with all practicable expedition.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 15, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your communication of the 19th ultimo, relative to a violation of British territory by a party of United States soldiers, who crossed the frontier into Canada, and there forcibly carried off a man named Ebenezer Tyler, the War Department has communicated the copy of a report of John A. Haddock, captain, commanding company E, 35th New York volunteers, concerning his arrest of Ebenezer Tyler, a deserter from the forces of the United States, within the unquestioned Canadian territories of Great Britain.

This violation of the sovereignty of a friendly state was doubtlessly committed under the influence of an earnest zeal for the interests of the United States, but that cannot diminish the wrongfulness of the act. Consequently, having submitted the matter to the President, I am instructed by him to disavow with regret the proceedings of Captain Haddock, and to inform you that the captain will be discharged from the public service, and that the deserter, Ebenezer Tyler, will be discharged from his enlistment in the volunteer forces of the United States.

The affidavits which accompanied your lordship's note are herewith returned to you, in conformity with your request.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, *&c., &c., &c.*

Lord Lyons to Mr. Seward.

WASHINGTON, *April 16, 1863.*

SIR: I have the honor to acknowledge the receipt of your note of the 13th instant, enclosing a copy of a correspondence between Rear-Admiral Wilkes and the governor of Barbadoes, relative to the steamer Florida having been permitted to coal at that island.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 16, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 8th instant, communicating an authenticated copy of a protest made by the master, mate, and steward of the British steamer Peterhoff, before the British vice-consul at Key West, and also an authenticated extract from the official log of the ship.

In reply, I have the honor to inform you that a copy of these papers has been communicated to the attorney of the United States for the southern district of New York, for his information.

The documents which accompanied your note are herewith returned to you, in conformity with your request.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 16, 1863.*

SIR: I have had the honor to receive your note of yesterday's date, and its enclosures, relative to a report that attempts were being made to fit out privateers at Vancouver's island for the enemies of the United States.

I will lose no time in forwarding copies of your communication to her Majesty's government, and to the governor of Vancouver's island.

I have already sent, by telegraph, directions to her Majesty's consul at San Francisco, to write, in my name, to the governor on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,

Secretary of State.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 17, 1863.*

SIR: I beg to call your attention to the statement in the enclosed copy of a despatch from her Majesty's consul at New York, that the Granite City, of London, a British steamship, has, while waiting the action of the prize court, been taken, by orders from Washington, for the service of the United States government.

I shall be much obliged if you will inform me, at your earliest convenience, whether the fact is as it has been represented by her Majesty's consul.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD, &c., &c.

BRITISH CONSULATE,

New York, April 14, 1863.

MY LORD: I have the honor to report to your lordship the arrival at this port of the steamship Granite City, of London, in charge of a prize crew from the United States ship-of-war Tioga. The Granite City, according to the report of the master, cleared from Nassau, N. P., on the 21st ultimo, for St. John's, New Brunswick, with a cargo, consisting of coffee, salt, copperas, and dry goods. At daybreak on the following morning, when about 60 miles to the westward of the island of Eleuthera, the Granite City was fallen in with by the Tioga, and having been brought to, by a shell fired from the latter vessel, was boarded; the greater part of her crew were removed to the Tioga, and a prize crew put on board the Granite City, which was then despatched to this port, where she arrived on the 29th ultimo.

While waiting the action of the prize court, the Granite City has been taken, by orders from Washington, for the service of the United States government.
I have, &c.,

E. M. ARCHIBALD.

LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 17, 1863.

MY LORD: I have the honor to acquaint you that the United States attorney at New York has been directed to forward to their destination the mails which were found on board the captured British steamer Peterhoff. The principle involved in this measure will form the subject of an instruction which will be addressed by this department to Mr. Adams, at London.

I have the honor to be, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 17, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of this date, relative to the alleged taking of the British steamship Granite City, of London, while waiting the action of the prize court, for the service of the United States government, and to inform you that it has been referred to the Secretary of the Navy, with a view of my being enabled to satisfy your inquiry on the subject.

I have the honor to be, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 20, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your communication of the 17th instant, inquiring whether the fact is, as represented, that the British steamship Granite City, of London, has, while waiting the action of the prize court, been taken for the service of the United States government, the Secretary of the Navy states that the commandant of the navy yard at New York has general instructions to receive vessels that are suitable for the naval service when turned over to him by the prize court; that the Navy Department has been advised that the Granite City has been so turned over, and has been received accordingly; and that the order from the court was issued several days since.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 21, 1863.

MY LORD: I have read with interest the communication, a copy of which you were so kind as to show me, from the British agent at Fort Garry to the governor general of Canada, relative to the supposed supply of arms to Sioux Indians by British authorities. Please do me the kindness to express my thanks to Lord Monck for the information contained in the communication referred to.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 22, 1863.

SIR: You are doubtless well acquainted with the particulars of the capture, by the United States ship Onward, of the British vessel *Magicienne*, on her voyage from Liverpool to Matamoras, and of her subsequent release, without being proceeded against in the prize court. She was, as you are aware, restored to the master, in consequence of a letter from the United States district attorney at Key West to the prize commissioner, declaring that, after examining the depositions taken in the case, and the invoices, bills of lading, and other papers, he could see nothing to base a demand for condemnation, or even for a certificate of probable cause of seizure. There can, therefore, be no question as to the capture of this vessel being wholly unjustifiable, and her Majesty's government have accordingly instructed me to apply to the government of the United States for full compensation to the parties interested.

The destination of the vessel was that of her accustomed trade. Her cargo was not contraband; her papers were regular; she was not attempting to break any blockade. There was, therefore, no possible excuse for her detention.

The justice of the case evidently calls for speedy compensation, and her Majesty's government do not anticipate any delay on the part of the United States government in making it. But her Majesty's government desire to represent to the government of the United States, with reference to this case, that the habit of the United States cruisers of seizing vessels on the chance that something may possibly be discovered *ex post facto* which will prevent the captors from being condemned to pay damages, renders the practical fulfilment of the obligations of a neutral state to respect the rights of the belligerent a task of daily increasing difficulty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, April 22, 1863.

SIR: I did not fail to communicate to her Majesty's government the note which you did me the honor to address to me on the 19th of February last

respecting the inducements held out to the seamen of the captured vessel Sunbeam to enter the service of the United States. Her Majesty's government have carefully considered the contents of that note, but they are unable to alter the opinion which they expressed with regard to your note to Mr. Stuart of the 12th November last, and which was conveyed to you, by their order, in my note of the 17th February last.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 22, 1863.*

SIR: With reference to my note of the 16th ultimo, I have the honor to inform you that I am instructed by her Majesty's government to express to you the satisfaction with which they have become acquainted with the orders which the United States Secretary of the Navy addressed to Rear-Admiral Wilkes, on the 12th ultimo, with regard to British mail packets.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 23, 1863.*

SIR: Her Majesty's government have not failed to consider with attention the note which you did me the honor to address to me on the 7th February last with regard to the case of Mr. John J. Shaver, but they have not found it possible to modify their opinion as to the injustice of the incarceration of Mr. Shaver, and as to his claim for compensation.

It is admitted in your note that Mr. Shaver is a British subject, and her Majesty's government must still maintain that, at the time of his arrest, his legal domicile was in Canada. It is alleged, however, that Mr. Shaver was resident in the United States, and being reasonably suspected of treasonable practices, was properly imprisoned; but her Majesty's government think that it may be assumed, from the fact and circumstances of his release, that the suspicions entertained against him were ill founded. I had the honor, in my note of the 3d January, to state to you the reasons which had led her Majesty's government to regard the evidence of Thompson, upon which those suspicions were based, as unworthy of credit. But it is urged in your note that the occupation of Mr. Shaver, though in itself lawful, was such as, if he had been so minded, would have enabled him to be guilty of treason. It seems, however, to her Majesty's government that the conclusion that he was guilty of treason is very distinct from these premises.

In your note it seems to be inferred, from the deposition of Noyes, that Mr. Shaver was preparing to visit some part of the southern States, without a proper passport from the United States authorities, and without the consent of those

authorities; but her Majesty's government observes that this does not appear from parts of the deposition cited in the note.

The other deposition—that of Albert Davis—is, in the opinion of her Majesty's government, open to the gravest suspicion. They remark that himself was, or, on his own showing, professed to be, an active agent of the so-called confederates, and that the language which he puts into Mr. Shaver's mouth is incredible, and bears upon it the stamp of a fabrication to suit the wishes of those who examined him; and they consider that, at all events, his uncorroborated evidence is not to be relied on.

Her Majesty's government observes, further, that Mr. Shaver has had no opportunity of confronting either Noyes or Davis; that it does not appear that their statements constituted the original ground of his arrest; and that full copies of their depositions are not even now given.

As regards the trunks, apart from what Mr. Shaver himself says as to their containing railway tickets, there appears to her Majesty's government to be no evidence whatever. It seems, indeed, that from the averment that the trunks were heavy when going south, and light when coming north, the conclusion is drawn that they must have contained treasonable correspondence, but her Majesty's government observes that the affidavits upon which this statement is made appear to be lost.

It is, in the opinion of her Majesty's government, clear that no conviction could have been obtained in any court of justice on such evidence as this, and it is, in their opinion, equally clear that it was altogether insufficient to justify Mr. Shaver's arrest and imprisonment.

On the whole, therefore, her Majesty's government still consider that Mr. Shaver is entitled to compensation at the hands of the government of the United States, and they have accordingly directed me to inform you that such is their opinion.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c,

Lord Lyons to Mr. Seward.

WASHINGTON, *April 23, 1863.*

SIR: I have received a letter from a Mr. J. Harcastle, stating that he has been incarcerated in the old capitol prison since the 17th instant. He represents that the military authorities have been very courteous and kind to him hitherto, but that he is not aware that any charges have been preferred against him.

I have the honor to request that you will be good enough to acquaint me with the cause of his arrest and imprisonment.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD,
Secretary of State, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, in which compensation is asked for the capture, by the United States

ship Onward, of the British vessel *Magicienne*, on her voyage from Liverpool to Matamoras, and in which, with reference to that case, a representation is made touching the alleged habit of the United States cruisers seizing vessels on the chance that something may possibly be discovered *ex post facto* which will prevent the captors from being condemned to pay damages, and to inform you that the attention of the Secretary of the Navy has been invited to it.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 24, 1863.

MY LORD: I enclose a copy of a despatch of the 21st instant, and of its accompaniment, addressed to this department by the United States consul general at Montreal, relative to the forcible abduction from Port Huron, in the State of Michigan, by two Canadian constables, of James Wilson and one McElreivy, charged with the commission of the crime of larceny in the township of Moore, in Canada.

I will thank you to bring the case to the notice of his excellency the governor general of Canada, in order that the persons guilty of the violation referred to of the sovereignty of the United States may be properly rebuked, with a view to prevent a repetition of such acts.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Giddings to Mr. Seward.

UNITED STATES CONSULATE GENERAL,

British North American Provinces, Montreal, April 21, 1863.

SIR: I have just received from my consular agent at Sarnia the enclosed report, which I transmit for the consideration of the department.

These cases of forcible arrest and transportation for trial have been frequent on both sides of the line, and probably have tended to the promotion of justice, but may lead to violence under an excited state of feeling.

Should a further treaty between the two governments be entered into, this subject may probably claim attention, but I have not deemed it best to address the governor general on the subject unless advised to do so by the department.

With great respect, I have the honor to be your obedient servant,

JOSHUA R. GIDDINGS,

United States Consul General, &c.

Hon. W. H. SEWARD,

Secretary of State.

Mr. McMullen to Mr. Giddings.

UNITED STATES CONSULATE,

Sarnia Agency, April 17, 1863.

DEAR SIR: I have to report a serious and most flagitious case of kidnapping from the city of Port Huron, Michigan, which I am satisfied you will consider

warrants the immediate intervention of the American government. The facts are as follows :

James Wilson and one McElreivy, both American citizens, and charged, upon rather strong evidence, with a case of larceny in the township of Moore, in this county, escaping to Port Huron with the booty, and, on Monday or Tuesday last, they were arrested under warrants issued there, and imprisoned in the lock-up at Port Huron. Shortly after information reached Mr. William George Harkness, chief constable of this place, who immediately crossed over and demanded them. The person in charge of the lock-up said, "he wanted to go up town," and pointed to the keys, telling Harkness "where he would find the prisoners." Harkness, with the assistance of two constables of Port Huron, took the keys and went to the lock-up, when telling prisoners that they were to be taken to the county jail in St. Clair, handcuffed them and brought them to the ferry dock. Prisoner Wilson, thinking some scheme was to be enacted, offered resistance, but was overpowered, when the two were forced upon the boat and brought over to this place.

They were carried before a magistrate, and committed for trial on Tuesday next.

Feeling satisfied that the charge does not come within the jurisdiction of the Ashburton treaty, I should suggest that you should make application to the attorney general of Canada for an order to withhold sentence, if found guilty, or, at least, that they should not be sent to Kingston until the question is inquired into, and forward the order to the authorities here.

It will, of course, be impossible to procure affidavits from the constables, but I can make affidavit that I saw them landed with handcuffs, in charge of the constables. The prisoners will also swear to the facts I mention, and I can procure affidavits from eye-witnesses to their being forced on to the boat at the dock, which, I think, will be sufficient to procure the discharge of the men, and punishment of the constables engaged.

Please advise me *at once* what I shall do in the matter. *If by telegraph*, it will save time; also, if I shall employ counsel to defend them. They are very poor.

I am, dear sir, your faithful servant,

R. C. McMULLEN,
United States Commercial Agent.

Hon. J. R. GIDDINGS,
United States Consul General, British North America.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 25, 1863.

MY LORD: With reference to the British steamer Granite City, which was the subject of your note to this department of the 17th instant, the United States attorney at New York reports that she was transferred to the navy pursuant to an offer of the head of that department to receive her at a valuation of fifty-five thousand dollars.

The authority for this proceeding is contained in the 2d section of the act of Congress approved the 3d ultimo, entitled "An act further to regulate proceedings in prize cases and to amend various acts of Congress in relation thereto."

A copy of the order of the court upon the subject is herewith enclosed.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 25, 1863.*

SIR: I have the honor to transmit to you herewith a copy of a memorial which I have received from a Mr. Green, recently residing at Napoleon, Arkansas, but now at Memphis, who represents to me that he is a British subject, and that he has been almost totally ruined by the destruction of his property at the former place by troops in the service of the United States. If, upon investigation, the statements of Mr. Green be corroborated, as to his observance of his duties as a neutral, and as to the wanton nature of the acts by which he was deprived of his property, it seems to be a case in which compensation should be awarded to him for the losses he has sustained. I enclose two affidavits which Mr. Green has sent to me in support of his statements, and I have the honor to request that you will cause the facts to be fully investigated, and that if they prove to be such as they are represented to be you will take Mr. Green's claim into your serious consideration. I beg you to be so good as to return the affidavits to me.

The case is only one among many which are daily brought to my notice, in which British subjects, who state themselves to have remained neutral, represent that they have suffered heavy losses at the hands of the United States forces, and that no means of obtaining compensation are open to them. Such being the case, I deem it right to ask your attention to the general question of giving compensation for such losses, as well as the particular claim of Mr. Green.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

THE STATE OF TENNESSEE,
United States of America:

MARCH 28, 1863.

I, Henry Green, temporarily residing in the city of Memphis and State of Tennessee, in the United States of America, do make oath and say that I was born in the borough of Evesham, in the county of Worcester, England; that I have not become a naturalized citizen of the United States of America; that I am a British subject, holding allegiance only to the Queen of Great Britain and Ireland or to her legal successors; that the memorial dated February 28, 1863, and forwarded by me to the Right Hon. Lord Lyons, and by him received, is true in every particular. So help me God.

Given under my hand and seal, in the city of Memphis and State of Tennessee, United States of America, this 28th day of March, 1863.

HENRY E. GREEN. [SEAL.]

Sworn to and subscribed before me, and given under my hand and seal of office, at Memphis, March 28, 1863.

[NOTARIAL SEAL.]

HUME F. HILL,
Notary Public.

Affidavit of Adam G. Hartman, born in the State of Indiana, United States of America.

THE STATE OF TENNESSEE,
United States of America:

MARCH 29, 1863.

I, Adam G. Hartman, born in the State of Indiana, United States of America, residing and doing business in the State of Arkansas, United States, for the past eighteen years, do make oath and say: That I have known Henry E. Green, an Englishman, residing near the city of Napoleon, Arkansas, United States, for twelve years and upwards; that I know him to be a law-abiding, sober, and honest man; that on the 16th day of December last past, (1862,) or thereabouts, he was on his farm attending to his legitimate business; that the army of the United States of America landed at Napoleon; that the troops spread themselves all over the country, stealing and destroying all they could find; that they took from said Henry E. Green almost everything he had in the world; that I know he has been compelled to sell his house and land at a ruinous sacrifice, to enable him to get to Memphis and support and provide for his family when there; that I know he was damaged to a serious amount, and some articles were destroyed that it would be impossible to estimate their worth to him; that I was present when the major part of his property was stolen and destroyed, part of which was carried away on horseback; that said property was stolen and destroyed by soldiers of the United States army.

Given under my hand and seal this 28th day of March, 1863, at the city of Memphis, State of Tennessee, United States of America.

A. G. HARTMAN. [SEAL.]

Sworn to and subscribed before me, and given under my hand and seal of office, at Memphis, this 28th March, 1863.

[NOTARIAL SEAL.]

HUME F. HILL,
Notary Public.

The humble memorial of Henry E. Green, a British subject, born in the borough of Evesham, in the county of Worcester, England, on the 9th day of September, 1825, witnesseth: that he owes no allegiance in any shape, manner, or form, to any power on earth, save to the Queen of Great Britain and Ireland; that he emigrated to New Orleans, Louisiana, United States of America, in the year 1850; that he settled at Napoleon, Arkansas, in 1852, where he has remained ever since; that he has violated no existing law of said country, but, by industry and perseverance, acquired considerable means; that on the 16th day of December, 1862, the army of the United States of America, on board a large fleet of boats, landed at Napoleon, Arkansas, on the Mississippi river. The troops, apparently under no control, immediately spread themselves over the city and its suburbs, "stealing, plundering, and destroying" everything within their reach; that they came to the residence of your memorialist, about half a mile from the city, who was sick in bed at the time, and killed all his stock, robbed him of his money, jewelry, plate, and every stitch of clothing, both belonging to himself and wife, and also that of my child, an infant baby of six weeks old, save what was on our bodies; they even stole the blanket off the baby in its cradle, cut up his pictures with bowie knives, broke up and destroyed his furniture and books, and even violated the sanctity of his burial ground looking for money, and destroyed the likenesses of his deceased children; that your memorialist's books and pictures money could not replace; that your memorialist told them that he was a British subject, and a noncom-

batant; that your petitioner went to the fleet, but could not obtain any guard until his property had been stolen or destroyed, and that during his absence his wife was compelled to fly, bareheaded, to the woods during a severe snow-storm, to save herself from outrage from the brutal soldiery; that your petitioner has since been compelled to sell his house and land for a tenth part of its value, that he might be enabled to reach some point where he could claim and obtain the protection of his country; that your petitioner sold property that three years ago he could have got \$6,000 for, for \$1,250 in confederate scrip, worth at this point only fifty cents on the dollar; that your petitioner's stock of cattle, hogs, mules, &c., was worth..... \$2, 000 00
 Furniture and plate 1, 500 00
 Jewelry 500 00
 Books 1, 000 00
 Clothing of self, wife, and child 750 00
 My house and six acres adjoining city, worth \$6,000—loss 5, 375 00
 Oil paintings and water colors 750 00

Total 11, 875 00

That your memorialist is damaged in prospects and articles impossible to enumerate, to a large amount; that \$20,000 will not more than replace him as he stood before the raid was made upon him; that he has been taught from childhood that no matter in what clime or what country an Englishman resides, the broad flag of his country covers and protects him from insult and outrage, and in full faith and confidence your memorialist appeals to you for protection and restitution; that he is ruined without your help, and is staying in the city of Memphis, Tennessee, subject to your lordship's order; that your memorialist desires restitution of his property, that he may return to his native country and live in peace; that your petitioner claims the protection of his country and his national flag; and, as in duty bound, will ever pray.

HENRY E. GREEN

MEMPHIS, TENNESSEE, *February 28, 1863*

The LORD LYONS.

Mr. Hunter to Lord Lyons.

DEPARTMENT OF STATE,

Washington, April 27, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 23d instant, in which a representation is made of the views of her Majesty's government touching the case of Mr. John J. Shaver, and to inform you that it will be taken into consideration.

I avail myself of this opportunity to offer to your lordship the assurance of my high consideration.

WILLIAM HUNTER,

Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 27, 1863.*

SIR: I have the honor to acknowledge the receipt of the note dated the day before yesterday, in which, in answer to my inquiries respecting the British steamship Granite City, you have done me the honor to inform me that that ship has

been transferred to the United States navy, pursuant to an offer of the head of the Navy Department to receive her at a valuation of fifty-five thousand dollars.

With regard to the general principles involved in this transaction, I will at this moment content myself with referring you to the note which I had the honor to address you on the 31st December last, and, waiving for the present any further discussion of those principles, will now merely ask you for some additional information respecting the proceedings in the case of the Granite City.

It would seem from the papers before me, that the ship was transferred to the Navy Department by the court, as a matter of course, on the motion of the United States district attorney. It does not appear whether the representatives of the owners were heard, either on the question of making the transfer, or on that of fixing the value of the vessel; nor, indeed, whether in any stage of the proceedings, an opportunity was offered for defending the interests of the owners. I shall, therefore, be very much obliged if you will do me the honor to furnish me with information on these points.

I desire, as I have already intimated, to avoid entering in the present note upon a discussion of general principles; but my earnest desire to guard beforehand against everything likely to lead to difficulty, or irritating questions, induces me to take this opportunity of begging you to consider the unfavorable impression which must, especially in important cases, be produced, if captured vessels, not condemned by any prize court, be appropriated by the Navy Department, without regard to the interests of the owners, and solely on the ground that they are suited to the naval service of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Hunter to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 25th instant, in which the attention of this department is called to the case of Mr. Henry E. Green, who claims to be a British subject, and represents that he has been almost totally ruined by the destruction of his property at Napoleon, Arkansas, by troops in the service of the United States, and to the general question of giving compensation for such losses, and to inform you, in reply, that it has been submitted to the Secretary of War.

The affidavits which accompanied your note are herewith returned to you, in conformity with your request.

I have the honor to be, your very obedient servant,

W. HUNTER,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Hunter to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 28, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 23d instant, asking to be made acquainted with the cause of the arrest and in-

prisonment of a Mr. J. Harcastle, who is now confined in the Old Capitol prison, and to state that it has been referred to Major L. C. Turner, judge advocate, with a view of being enabled to satisfy the inquiry.

I have the honor to be, with high consideration, your lordship's obedient servant,

W. HUNTER,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Hunter to Lord Lyons.

DEPARTMENT OF STATE,
Washington, April 29, 1863.

MY LORD: This department has reliable information that a vessel is being fitted out at Nassau, in the island of New Providence, to cruise against the shipping of the United States, under the flag of the insurgents. I am consequently directed to request you to call the attention of her Majesty's authorities there to the subject, in order that a stop may be put to the proceeding.

I have the honor to be your obedient servant,

W. HUNTER,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 29, 1863.*

SIR: I think it right to submit to the government of the United States the authenticated copy, which I enclose herewith, of a protest made before her Majesty's acting consul-general at Havana, by the master, the mate, the chief engineer, and the purser, of the British steamship *Dolphin*, which appears to have been captured by the United States ship *Wachusets*, in a voyage from Liverpool to Nassau.

There is much in the protest that seems to call for your serious consideration. Among the points to which I will ask your particular attention is the allegation that the chief engineer was put in irons for more than twenty-four hours by order of the prize officer.

I beg you to be so good as to send me back the authenticated copy of this protest.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

{ CONSULATE SEAL, } Know all men by this public instrument of protest,
CUBA. } that on the 1st day of April, A. D. 1863, at the office of
the British consulate at Havana, before me, John Vincent
Crawford, esquire, her Britannic Majesty's acting consul-general in Cuba, pre-

sonally appeared Richard H. Eustice, the master; Vincent Lazzole, the mate; William Jenkinson, chief engineer; and Frederick Joseph Banning, the purser; all of and belonging to the steamship *Dolphin*, of Liverpool, official number 3,150, and being severally sworn upon the Holy Evangelists of Almighty God, declared that they, on board the said vessel, she then being tight, staunch, and strong, well fitted and provisioned, and being in every respect complete for their then intended voyage, and being laden with a cargo of general merchandise, got up steam and departed from Liverpool on the 10th day of February last, and proceeded on their voyage towards Nassau, New Providence, via Madeira and St. Thomas, at which places they were to call for a supply of coal. That nothing particular occurred until their departure from St. Thomas, on the 24th March. Next morning at daylight, when in sight of Porto Rico, they saw a steamer on the starboard bow bearing down upon them. They immediately hoisted their ensign. Shortly afterwards a shot was observed to fall near the starboard side, although no report was heard. The engines were instantly stopped, several shots being fired by the stranger. Upon her coming close to, they observed that she was a vessel-of-war of the United States, and they were then boarded by an armed boat from the said vessel, which proved to be the *Wachusets*. The boarding officer demanded the ship's papers, which were given to him immediately, and after examining them he mustered the crew, in spite of Captain Eustice's protest. He then went to the *Wachusets*, and returned with an armed force, which took possession of the ship, and forcibly sent ten of the crew into his boat, arresting Captain Eustice, and obliging him to go with the ten men on board the *Wachusets*, simultaneously hauling down the British flag and hoisting that of the United States in its place. In about three quarters of an hour afterwards Captain Eustice was brought back to the ship, accompanied by an officer and about twenty men. The *Dolphin's* crew was again mustered, and ordered on board the *Wachusets*, with the exception of the master, the chief mate, the purser, chief engineer, the steward, the cook, and the leading fireman. The *Wachusets* then left them, and the *Dolphin* was taken charge of by Mr. Muldam, the prize officer, and proceeded towards Key West; an order being issued prohibiting any of the *Dolphin's* people from going to the compass, under penalty of being shot. At 8 a. m., on the 26th March, Captain Eustice discovered that his charts and chronometer were missing. It was also discovered that during the night the fore hold had been broken into, and a quantity of champagne, being part of the cargo, taken and consumed. On the 28th March, about 6 a. m., Jenkinson, the chief engineer, was put in double irons, by order of the prize officer, no reason being given, and in spite of Captain Eustice protesting against such violence. At 11 a. m., on the 29th, the irons were taken off Mr. Jenkinson. At 7 p. m. he was locked up a prisoner, in his room, for the night. The vessel having run short of fuel, put into this port this morning, the master immediately reporting the circumstances of this unwarrantable seizure of his vessel at this office, and requesting to enter his protest. And whereas the said steamship *Dolphin* was legally cleared at Liverpool for Nassau, and was bound upon her legitimate voyage to that port when fallen in with, boarded and seized, in the manner aforesaid, by the said *Wachusets*, in direct contravention of the laws of nations and the rights of neutrals:

Therefore, the said appearers desire to protest, and by these presents do most solemnly protest, against the captain, officers, and crew of the United States ship-of-war *Wachusets*, and against the government of the United States of America, under whose orders the said captain, officers, and crew are acting, for the unjust, arbitrary, and piratical detention and seizure of their vessel, the *Dolphin*, and her cargo, whilst on the prosecution of her legitimate voyage from one neutral port to another, and for all losses, damages, and averages, which may be consequent thereon, for these appearers swear that all such is owing to the unjustifiable

seizure and detention as aforesaid, not by reason of any defect or insufficiency of the said ship *Dolphin*, or neglect or impropriety of the master or crew.

R. H. EUSTICE, *Master*.

VINCENT LAZZOLE, *Mate*.

WILLIAM JENKINSON, *Chief Engineer*.

F. J. BANNING, *Purser*.

Signed and sworn to before me,

JOHN V. CRAWFORD,
Acting Consul-general, Cuba.

A true copy.

JOHN V. CRAWFORD.

Lord Lyons to Mr. Seward.

WASHINGTON, *April 29, 1863.*

SIR: I have the honor to ask you to give serious attention to the enclosed extracts from a despatch which I have received from her Majesty's consul at New Orleans.

It appears from them that a British steamship, the *Antona*, was brought into New Orleans as a prize, on or before the 30th January last. That no judicial proceedings have been taken in the case; but that, nevertheless, the cargo has been discharged and ordered to be sold, and the ship been taken for the naval service of the United States.

It appears, moreover, that the master, Mr. George Grindle, has been kept as a prisoner, ever since the capture of his ship.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Extract of despatch from Mr. Consul Coppel to Lord Lyons, dated New Orleans, April 6, 1863.

I have the honor to inform your lordship, that on January 30, last, I received a letter from Captain George Grindle, master of the British steamship *Antona*, brought into this port as a prize, having been captured in the gulf after a chase of some ten hours, by one of the Mobile blockading squadron, requesting me to visit him, he being detained as a prisoner of war on the United States ship *Pensacola*, lying in the Mississippi.

In compliance with the request I proceeded to the *Pensacola*, saw Commodore Morris, in command, and obtained his permission to see Captain Grindle.

This interview was on January 31; since then the cargo of the *Antona* has been discharged, the vessel has been altered, guns placed on her, and is now cruising in the service of the United States. The cargo is advertised to be sold at auction next week, by order of Admiral Farragut; Captain Grindle is still detained a prisoner; and yet the vessel has not been adjudicated, or even libelled, for the admiralty court has not yet been organized here.

I beg to inform your lordship that when these facts came to my knowledge, I again saw Commodore Morris, senior naval officer here in Admiral Farragut's absence, who seems much perplexed in the matter, and could only tell me that he had orders to detain Captain Grindle as a prisoner on the *Pensacola*.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 1, 1863.*

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me on February 11, last, as well as the correspondence which I had had with you before the date of that note, on the subject of the seizure of the British schooner *Mont Blanc*, at Sand cay, Bahama bank.

This seizure is admitted to have been made in British waters, and while the *Mont Blanc* was at anchor; and her Majesty's government have, accordingly, desired me not only to express to you their expectation that the government of the United States will make some compensation to the owners, for the plain wrong done to them, but also to address to the government of the United States a remonstrance against the violation of British territory committed in this case, and to request that orders may be given to the United States navy to abstain from committing the like grave offence against international law and the dignity of the British crown.

Her Majesty's government have further directed me to point out that the necessity for such orders is shown by the fact that Commander Collins, the captain of the *Mont Blanc*, would appear, from his letter to the Secretary of the United States Navy, of the 26th of December last, either to be entirely ignorant of the law, or entirely to disregard it.

In the opinion of her Majesty's government, the circumstance that the *Mont Blanc* was at anchor at the time of the capture, renders the wrong inflicted on the owners, and the contempt for British rights exhibited by the captain, very flagrant. Her Majesty's government are the more surprised at the occurrence, as the letter which you addressed to the Secretary of the Navy on the 8th of August last, and of which you did Mr. Stuart the honor to communicate a copy to him on the following day, expressly forbids captures in neutral waters.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

LYONS.

HON. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 2, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 27th ultimo, relative to the case of the captured British steamship *Granite City*, and to inform you that it will receive careful attention.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 4, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 29th ultimo, relative to the capture of the British steamship *Dolphin*

by the United States ship Wachusett, and to inform you that the attention of the Secretary of the Navy has been invited to it.

The authenticated copy of the protest which accompanied your note is herewith returned to you.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 4, 1863.*

SIR: It will be in your recollection that, on the 4th of February last, I did myself the honor, in pursuance of instructions from her Majesty's government, to address to you a note respecting the mode in which the United States ship Tuscarora had exercised the belligerent right of search, off Madeira, in the case of the British merchant vessel Thistle.

In that note I stated to you that her Majesty's government were of opinion that it was competent to the Tuscarora to stop and visit the Thistle upon the high seas, but that her Majesty's government considered that it was not competent to the United States cruisers to make a belligerent use of the port of a neutral state, and that a more un-neutral use of a port could not be well conceived than lying in wait in it for the vessels of another neutral state, as they entered and left it, and, on their passing the limit of three miles, boarding and visiting them, and then returning to the port.

I further informed you, in the same note, that her Majesty's government had directed me to point out to you, that a persistence by the cruisers of the United States in such a course as that pursued by the Tuscarora, at Madeira, would be a violation of the principles of international law, which would concern both the country in whose dominions the neutral port so used might be situated, and the country to which the vessels visited might belong.

In a note which you did me the honor to address to me on the 23d February, you informed me that, if the facts in the case of the Thistle had been correctly reported to the British government, the conduct of the commander of the Tuscarora was deemed censurable, and that the Navy Department had written to him to that effect, instructing him as to the error which he was supposed to have committed.

I have referred to this correspondence, in the hope of leading the government of the United States to consider, seriously, whether the recent proceedings of the United States cruisers at the Danish port of St. Thomas have been in accordance with the principles which it establishes. The circumstances under which the Peterhoff was captured, off that port, are well known to you. The enclosed extract from a report from Captain Barnard, of her Majesty's ship Nile, to Vice-Admiral Sir Alexander Milne, gives the following account of the proceedings of the United States ship Wachusett at the same port. He states that the ship slipped her cable at midnight on the 24th-25th of March, and followed an English steamer, called the Dolphin, to sea, and that she returned to the port at 9 p. m. on the next day. A report to the Vice-Admiral, from Captain Tatham, of her Majesty's ship Phaeton, (of which also an extract is enclosed,) shows that the Wachusett, having captured the British vessel which she followed, brought back sixteen of the crew to St. Thomas. A protest made by the master of the Dolphin at Havana, in which the particulars of the capture were stated, was transmitted to you with the note which I did myself the honor to write to you on the 29th ultimo.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Extract.]

“During our stay the Wachusett slipped her cable, at midnight of the 24th, and followed an English steamer, called the Dolphin, to sea, and returned to the port at 9 p. m. of the 25th. The Dolphin was on a voyage from England to Nassau, and, I was informed by the acting British consul, was regularly entered and cleared at the custom-house.”

[Extract.]

H. M. S. PHLETON, *Barbadoes*, April, 7, 1863.

“I have to inform you that the paddle-wheel steamer Dolphin, of Liverpool, which left St. Thomas for Nassau at midnight of the 24th March, was captured by the Wachusett, twenty-five miles to the leeward of that island.

“The Wachusett returned to St. Thomas with the crew of the Dolphin, and these sixteen persons presented themselves at the British consulate on the 27th.”

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 5, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 4th instant, relating to the manner of the capture of the Dolphin, and suggesting that some of the proceedings of the Wachusett in connexion with that transaction were of questionable propriety. I shall lose no time in bringing the same to the notice of the proper department of the government, with a view to the correction of irregularities in the exercise of the right of search, if any shall be found to have occurred.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 6, 1863.*

SIR: I have the honor to transmit to you a copy of a representation which has been made to her Majesty's principal secretary of state for foreign affairs, in behalf of Messrs. Galbraith, Redgate & Co., of London and Glasgow, setting forth the injury which they have sustained by reason of the capture on board the Peterhoff, and subsequent confinement of Mr. Redgate and Mr. Ellsworth, who were going to Matamoras on the commercial business of their house.

I am directed to bring the case of these gentlemen before the government of the United States, and to say that the treatment to which they have been exposed appears to her Majesty's government to have been wholly unjustifiable; and that for the damages resulting to the firm by which they were employed, as well as for the personal injury inflicted on Mr. Redgate by his protracted im-

prisonment at New York, her Majesty's government consider full reparation to be due by the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c.

17 AND 18 CLEMENT'S INN,
West Canada, April 21, 1863.

MY LORD: Messrs. Galbraith, Redgate & Co., of Threadneedle street, London, and of Glasgow, merchants, have requested us to give intimation of the improper detention of their Mr. Redgate and Mr. Ellsworth by the federal government of America, and the very serious damage suffered by them in consequence.

The firm of Messrs. Galbraith, Redgate & Co. consists of Mr. Galbraith, Mr. Redgate, and Mr. Ellsworth, carrying on business as merchants and commission agents, under the style of Messrs. Galbraith, Redgate & Co.

Messrs. Galbraith, Redgate & Co. had proposed carrying on business in Matamoras, under the style of J. T. Redgate & Co., and arrangements were made for the shipment and consignment of large quantities of merchandise to the firm there.

Mr. Redgate and Mr. Ellsworth took passage in the Peterhoff for Matamoras for the purpose of opening their house of business there. Mr. Redgate had the charge of the interest of the shippers by this steamer.

The Peterhoff left London on her voyage to Matamoras on the 10th of January last. On the 25th of February she was taken by the Vanderbilt, of the United States navy, and Mr. Redgate and Mr. Ellsworth were detained as prisoners. Your lordship is already acquainted with the circumstances of the unlawful seizure of this vessel.

On the 25th of March Mr. Ellsworth was allowed to proceed, but Mr. Redgate was detained in custody, and was only released at New York on the 1st of April, having been subjected to close imprisonment and to great personal annoyance.

Mr. Redgate, having been resident in Matamoras, has a thorough knowledge of the business carried on in that city, and his presence at Matamoras was absolutely necessary for the purpose of Messrs. Galbraith, Redgate & Co.'s business, they having entered into many engagements on the faith of his reaching Matamoras in due course.

Messrs. Galbraith, Redgate & Co., in the beginning of March, and before the seizure of the Peterhoff was known, chartered the King Oscar to sail from Liverpool to Matamoras, and they had made large purchases of merchandise for shipment by her. They had also made arrangements for the receiving on consignment large quantities of merchandise, none of which goods were contraband of war.

They had, also, made arrangements for the shipment, by vessels to follow, of further goods for sale by the firm in Mexico. Besides the above, Mr. Redgate had entered into an agreement with the shippers of the Peterhoff, and with others who had arranged for the despatch of merchandise by the steamers which were to follow the Peterhoff, that he should superintend the sale or exchange of the goods on commission. The seizure of the Peterhoff and the detention of Mr. Redgate has disarranged the plans of the shippers. Messrs. Galbraith, Redgate & Co. are losers of the commissions which would have been payable to Mr. Redgate; and the King Oscar, chartered by them, has been detained here

under heavy demurrage, and not one-fourth of the cargo of merchandise which would have been obtained, had Mr. Redgate and the Peterhoff been allowed to proceed, can now be procured.

From the above facts, your lordship will not fail to observe that Messrs. Galbraith, Redgate & Co. are damaged to the extent of many thousand pounds by the unjustifiable seizure of the Peterhoff, and the detention and imprisonment of Mr. Redgate and Mr. Ellsworth; and we humbly request that your lordship will give the necessary instruction to obtain some compensation from the American government for the losses sustained through their wrongful acts.

Should your lordship require further information with regard to the claim of Messrs. Galbraith, Redgate & Co., may we ask your lordship to give an appointment for Mr. Galbraith and ourselves to wait upon your lordship?

We have, &c.,

GREGORY & CHAMPION.

EARL RUSSELL, K. G., &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 7, 1863.*

SIR: I have the honor to submit to you copies of a letter and its enclosures, which have been received by her Majesty's principal secretary of state for foreign affairs, from Mr. Grazebrook, of Liverpool, owner of the steamship *Dolphin*.

I am directed to state to you that it appears to her Majesty's government that three questions arise concerning the seizure of this ship.

1st. The seizure itself.

2d. The manner in which it was effected.

3d. The manner in which a portion of the crew were treated by the captor.

As regards the first question her Majesty's government observe that, so far as an opinion can be formed from the paper laid before them, the *Dolphin* appears to have been improperly seized; and her Majesty's government have accordingly commanded me to apply to the government of the United States for the release of the vessel, unless some valid ground for taking her before the prize court shall be assigned.

The second question is, however, in the opinion of her Majesty's government, of a far more serious character. It would seem that the United States ship *Wachusett* made use of the neutral port of St. Thomas as a place from which to capture vessels of another neutral state as they passed the limits of three miles from the shore of that port. Her Majesty's government cannot but regard this as a very grave offence, and as a gross abuse of the power of a belligerent. It is identical with that committed by the United States ship *Tuscarora* at Madeira, which I brought to your notice in the note which I had the honor to address to you on the 4th of February last, and which, in your note to me of the 23d of the same month, you characterized as censurable.

The third question, viz: the taking out of the *Dolphin* sixteen of her crew, and treating them as prisoners of war, appears to her Majesty's government to be an additional injury inflicted upon neutral rights. Her Majesty's government consider that such a course could only be justified by a well-founded apprehension, on the part of the belligerent, that the crew of the captured vessel were about to overpower their captor and to escape with their vessel. But her Majesty's government have no reason to suppose that any such justification existed in the case of the *Dolphin*.

It appears, therefore, to her Majesty's government that the conduct of the United States officers, in the last two particulars, has been in contradiction to the law of nations, and in violation of their duties to a friendly state; and her

Majesty's government confidently expect that the government of the United States will give that redress which the case seems to demand.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Grazebrook to Earl Russell.

LIVERPOOL, *April 13, 1863.*

MY LORD: I have to call your attention to another flagrant outrage on British property by federal cruisers, as detailed in a newspaper paragraph herewith.

By the West India mail, reaching Southampton yesterday, I learn that on the 24th of March the United States ship Wachusett has captured my steamer Dolphin upon her leaving St. Thomas, West Indies, while on her legitimate voyage from Liverpool to Nassau, with a general cargo of merchandise on board.

I beg to hand you an attested copy of ship's manifest, also ship's bill of lading; copy of my letter of instructions to her commander, Captain R. H. Eustace, (original letter book, folio 697;) and copy of my letter of instructions to the agents for the ship, Messrs. Chambers & Raw, of Nassau, (original letter book, folio 690.) These documents will plainly prove the nature of her voyage, and that her destination was Nassau, New Providence.

As Nassau is a part of the British possessions, and no notification of the blockade of Nassau, or of the Danish island of St. Thomas, has yet been issued I have to claim the protection of the British government. I have to request you will inform me, by return, of the necessary steps to be taken by me to enable the British government to obtain her immediate release, with full compensation for the injury done to my trade and the insult to my captain and crew.

I am, &c.,

W. J. GRAZEBROOK.

Right Hon. EARL RUSSELL, K. G., &c., &c., &c.

Freight list of the "Dolphin," W. Eustace master, bound from Liverpool to Nassau, N. P.

No	Shipper.	Consignee.	Marks and Nos.	Description of goods.
1	Wm. J. Grazebrook . . .	Messrs. Chambers & Raw .	E.G. 86-97. 98.	12 bales, shirts, and gaiters, 1 parcel.
2	do.	do.	[o] ½	3 cases of boots.
3	do.	do.	[w] 83-88, 90-95	10 cases and 2 bales cloth.
4	H. Grazebrook, sen. & Co .	do.	G[BG]14-19.	3 cases and 2 casks hardware, 1 parcel & samples.
5	Wm. J. Grazebrook . . .	do.	T. 1-80	80 boxes of soap.
6	do.	do.	[EG]50-53 54-55	4 boxes and 2 bales clothing.
6	do.	do.	[EG] 1-36	36 barrels of salt.
7	do.	do.	[1S 9]1-6	6 boxes of stationery.
7	do.	do.	[1S 9]1-30	30 barrels of salt.
8	do.	do.	EG. II. 16-19	4 cases of hardware.
9	do.	do.	[J. B.]100-103	4 cases of straw hats.
11	do.	do.	[W.S.]½	3 cases of hardware.
12	do.	do.	G.E. L 100-101	2 cases of hardware.
13	do.	do.	[No. 1 WSG]2-7	7 cases of hardware.
13	do.	do.	N. 1-42	42 cases of brandy.
14	do.	do.	M. A	1 case of whiskey.
15	do.	do.	[M]1-14	14 barrels of salt.
16	do.	do.	MB 1-9	9 cases of drugs.
16	do.	do.	G[M]1-10	10 barrels of salt.
17	do.	do.	M.	347 pots.
17	do.	do.	[S]D 1-40	40 barrels of salt.
17	do.	do.		525 pots, 1 lhd. hardware, 8, 126 ovens, 6 boxes of tin ware.
18	do.	do.	[M]182	1 box of linen.
18	do.	do.	[W]½	2 boxes of stationery.
18	do.	do.	L.	8 quarter casks brandy.
18	do.	do.	O	10 barrels of salt.
18	do.	do.	W 1-10	200 boxes of soap.
19	do.	do.	D	6 trunks boots and shoes.
19	do.	do.	[JA]½ 8-30 32-38 40-41	36 crates of earthenware.
19	do.	do.	[A]	37 coils of rope.
19	do.	do.	P	54 pots.
19	do.	do.	S	1 case pins, needles, &c.
19	do.	do.	[WSG]1	21 cases bonnets.
19	do.	do.	A 1-21	5 cases & 2 casks hardware.
20	do.	do.	T.W. 169-175	24 bundles of spades.
20	do.	do.	T. W. ½	40 cases of champagne.
20	do.	do.		50 boxes of tea.
20	do.	do.		35 cases of hardware.
20	do.	do.	17105-17154	} 6 barrels of salt.
20	do.	do.	N.E.	
20	do.	do.	D(WG.)	20 cases of hardware.
21	do.	do.	[1]62-64 66-8 75 80-81	Two casks brushes, &c.
21	do.	do.	83 85 8	} 1 case of hardware.
21	do.	do.	F. W. 94, [H]1 25	
21	do.	do.	G. L 1 ½	7 bottles of quicksilver.
22	do.	do.	G.4[G04]½ 29 79-85	2 casks of fancy goods.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 7, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 1st instant, which relates to the seizure of the British schooner *Mont Blanc*, at Sand cay, Bahama bank, on the 21st day of December last.

When this case was first brought by you to the notice of this department I called upon the Secretary of the Navy for information, which resulted in a confirmation of your lordship's representation, that the *Mont Blanc* was seized while at anchor and when lying within one mile of the shore, in waters of which Great Britain claims jurisdiction. The vessel having been carried into Key West for adjudication, the attention of the district attorney there was directed to the case. That officer, on the 2d of February last, reported to me that he had consented to the dismissal of the libel against her, and procured her restitution to the

master and claimant, for the reason that the evidence and statements of all parties left no room to doubt that the place where she was seized was within British waters. The fact of this restoration was made known to your lordship by me in my note of the 11th of February last.

It seemed probable, at that time, that the master and claimant might have waived any further claim by assenting to the disposition of the case which was thus made, without insisting upon a continuance of the case for the purpose of obtaining an award of damages. In your note now before me, however, you state that her Majesty's government expect that the government of the United States will make some compensation to the owners for the plain wrong done to them. I have submitted this claim to the President, and am authorized to say that he admits that, in view of all the circumstances in the case, such compensation ought to be made. The Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and the President, upon their report, will ask an appropriation of Congress for the discharge of the claim at their next session.

I must attribute these proceedings of Commander Collins, of the Octorora, in making the seizure, to mere inconsiderateness. I can, therefore, hardly believe that it is necessary to renew, as you propose, the instructions which, before that time, had been given to the United States navy, to abstain from seizures in neutral waters. Nevertheless, the President, being sincerely desirous to avoid the exercise of any questionable belligerent rights against Great Britain or any other maritime power, has thought proper to direct that the attention of the officers of the navy shall be distinctly called to the instructions which were mentioned in my note to you of the 8th of August last, and that they be expressly enjoined to rigidly observe and conform to the same. With a view to this effect the Secretary of the Navy has been directed to make known to Commander Collins that, by his seizing the *Mont Blanc* in British waters and at anchor, he has incurred the disapprobation of the President, and that any repetition of such proceedings will be visited with more severe and effective censure.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 7, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your communication of the 29th ultimo, relative to the capture of the British steamship *Dolphin* by the United States steamer *Wachusett*, the Secretary of the Navy states that the only information the Navy Department has, relative to the seizure of the *Dolphin*, is contained in a brief report from Lieutenant Commander Charles E. Fleming, dated at sea, latitude 19° 28' north, longitude 65° 30' west, in which he says, that on the morning of the 25th of March, while cruising in the passage between the islands of Porto Rico and St. Thomas, he saw a steamer directly astern, which, after chasing for an hour and a half, he overhauled, and found to be the English steamer *Dolphin*, from St. Thomas, bound to Nassau, and that, suspicion being strongly against her, he seized her and sent her, in charge of Acting Master A. W. Muldaur, to Key West, with all the papers found on board. Mr Welles further states that he will forward a copy of the protest [which accompanied your note to Acting

-Admiral Wilkes, with instructions to him to examine into the charges of improper treatment of the crew of the *Dolphin*, and report thereon, as well as upon other statements in the protest.

In view of the importance which you assigned to the complaints involved in this case, in your note of the 29th March, as well as in a conversation which occurred between us at this department, on the 4th instant, and earnestly agreeing with you in your desire to avert, so far as possible, all occasions of unnecessary irritation between the countries we represent, I have thought it proper to lay the subject before the President.

It gives me sincere pleasure now to inform you that, while this government cannot prejudge the transaction specially complained of, upon *ex parte* evidence and without an investigation, the Secretary of the Navy will at once call the attention of the officers of the navy to the duty of obeying and conforming to his instructions heretofore given to them, as announced in my note of the 8th of August, 1862. Every complaint of departure from them will be promptly investigated, and in all cases where wrong shall be done, the justice and good faith of the government will be vindicated.

I avail myself of this opportunity to renew to your lordship the assurances of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS *ſc*, *ſc.*, *ſc.*

Lord Lyons to Mr. Seward.

WASHINGTON, *May 7, 1863.*

SIR: The attention of her Majesty's government has been directed to the "Act further to regulate proceedings in prize cases, and to amend various acts of Congress in relation thereto," which was approved by the President on the 3d March last

Her Majesty's government are advised that the first section of this act is in accordance with the usual practice in such cases, enabling the court to sell, when the vessel is likely to become injured, when the cost of keeping it would be disproportioned to its value, or when all the parties interested agree to the sale; but that the second section appears to furnish ground for remonstrance, more especially after the communication which I had the honor to make to you, by command of her Majesty's government, on the 31st December last.

It was pointed out in that communication that the true doctrine with regard to sale before condemnation was that the interests of the owners required it; and her Majesty's government conceive that it is manifest, upon principles of natural justice, that the sale of a vessel of a neutral owner before any sentence of condemnation has been passed upon it, and, consequently, before the owner has been found guilty of any offence against the belligerent, is an act which cannot be fairly justified by reference to necessities of a belligerent, or necessities other than those incident to the state of the neutral vessel itself. The jurisdiction of the prize court, and the duty of the neutral to submit both to it and to the right of capture, are founded upon the doctrine that he will be fairly tried, not by the captor who seizes him, but by an impartial judge who tries both parties. But it appears to her Majesty's government that if the neutral vessel be sold for the good of the captor or the captor's government before trial, the obligation of the belligerent and the corresponding right of the neutral are much impaired, because compensation in money, however fairly assessed, on the abstract value of the property, may afford no practical protection to an innocent owner from considerable loss in the particular circumstances of his case.

Her Majesty's government have, therefore, directed me to express to you the

concern with which they have observed the extent to which the second section of the recent act of Congress derogates from the usual rights of neutral states, and their hope that it will not be put in force; and her Majesty's government have also instructed me to express their regret that such an enactment should have been made so soon after the communication which I had the honor to address to you, by their desire, on the subject, and without any notice, except a mere formal one, being taken of that communication, nor any mention made of the measure which was about to be adopted.

Her Majesty's government have, moreover, commanded me to point out to you the encouragement which such a clause may afford to making seizures, known, at the time when they are made, to be unwarrantable by law, because the seized vessels may now in every case minister to the necessities of the belligerent, and the captor may, very probably, suppose that he will not be severely rebuked by his government for conduct which, however unjustifiable and intolerable to the neutral, may be regarded as having a patriotic object.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, *&c., &c., &c.*

Lord Lyons to Mr. Seward.

WASHINGTON, May 7, 1863.

SIR: The parties interested in the British steamship *Adela* have represented to her Majesty's government that the judge of the prize court at Key West has ordered that vessel to be sold within forty days.

Having regard to the special assurances given to her Majesty's government with regard to this vessel, in the note which you did Mr. Stuart the honor to address to him on the 13th of August last, her Majesty's government do not suppose that the government of the United States would sanction such a proceeding; but they have directed me to call your attention to the matter immediately, and to remonstrate against the vessel's being sold, as they can perceive no ground for inflicting so grievous a wrong on the parties interested in her.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD, *&c., &c., &c.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 8, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 6th instant, which presents a claim of Messrs. Galbraith, Redgate & Co., of London and Glasgow, to compensation for losses incurred by them, by reason of the capture on board the *Peterhoff*, and subsequent confinement, of Mr. Redgate and Mr. Ellsworth, who were going to Matamoras on the current business of the said house.

I shall lose no time in calling on the Secretary of the Navy for such information as he may have or be able to procure concerning the grievances thus complained of. It seems proper for me to remark here, in regard to the subject,

First, that the representation thus submitted to me *assumes* that the seizure

of the Peterhoff was without any just cause and authority of law, while the question of the lawfulness of that seizure is yet remaining under examination by the prize court at New York; and,

Secondly, that the representation thus made does not appear to be accompanied by testimony of any kind calculated to give support to the claim.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 8, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, in which you state that the parties interested in the British steamer *Adela* had represented to her Majesty's government that that vessel had been ordered by the prize court at Key West to be sold within forty days.

In reply, I have the honor to acquaint you that this department has no other information upon the subject; but some time since the United States attorney at Key West was instructed to report the situation of the case, and the report may soon be expected.

If, however, the sale of the vessel has been ordered, as represented, it may be presumed that this was in conformity with the usual admiralty proceedings in such cases. I shall, however, take means to ascertain the grounds and circumstances of the alleged order of sale, and when sufficiently informed I will recur to the subject.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 8, 1863.

MY LORD: Adverting to your note of the 23d ultimo, asking to be made acquainted with the cause of the arrest and imprisonment of a Mr. J. Hardeastle, who is confined in the Old Capitol prison, and to the department's reply, I now have the honor to enclose to you the copy of a report, of the 2d instant, from Major L. C. Turner, judge advocate, on the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Major Turner to Mr. Hunter.

WAR DEPARTMENT,
Washington City, May 2, 1863.

SIR: In answer to your note and accompaniment, of 28th ultimo, relative to Mr. J. Hardeastle, I have the honor to report:

That Mr. Hardeastle is a British subject, and has resided in the United States about eight years.

That he has been in Charleston, Savannah, Mobile, Jackson, Miss., Montgomery, Atlanta, Richmond, &c.

That he left Richmond about three weeks ago with a pass from the rebel Winder, indorsed by the rebel General Lee.

That he had no permit to go south from the federal authorities, nor any to return north from federal authorities.

That he came into the federal lines by a flag-of-truce boat, (he says,) at Port Conway, and was sent to General Patrick, provost marshal of the army of the Potomac, and by him sent to Washington to Captain Todd, provost marshal, and sent to the Old Capitol prison.

He was arrested and committed for passing or attempting to pass through the federal lines, from the insurgents, and without a permit from the federal authorities.

His case is under investigation.

I have the honor to be, very respectfully, your obedient servant,

L. C. TURNER, *Judge Advocate.*

Hon. W. HUNTER, *Acting Secretary of State.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 8, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 7th instant, which communicates the complaint made by her Majesty's government against Charles Francis Adams, esquire, our representative at London, based upon a paper which, on the 9th of April last, he gave to certain persons, named Zerman and Howell, who claimed to be American citizens. Mr. Adams has already transmitted a copy of that paper to me, together with his explanations of its effect, and of the views and circumstances under which it was written. The whole case as thus presented has been submitted to the President.

I am now to inform your lordship that this government could not admit, without much qualification, the strictures upon the proceeding of Mr. Adams which have been made by Earl Russel. At the same time, it is satisfied that the proceeding was an inconsiderate one, and probably based upon misapprehension of the character and designs of the parties at whose instance it was adopted. Mr. Adams has already made known to this department his decision to refrain from any further proceedings of the same nature, and he has been informed that this decision has been approved. I think I should be doing injustice to Mr. Adams, as I know it would be an injustice to this government, were I on this occasion to withhold an opinion that nothing could be further from the purpose of either their representative in London or of the government and people of the United States, than any desire to interfere in any manner with the lawful commerce of Great Britain, or with the policy or proceedings of the British government by which that commerce is regulated.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 9, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 7th instant, remonstrating against the 2d section of the act of Congress, approved the 3d of March last, entitled "An act further to regulate proceedings in prize cases, and to amend various acts of Congress in relation thereto."

In reply, I have the honor to acquaint you that the act referred to was not passed at the instance of this department. The Constitution of the United States confers a plenary power upon Congress to make rules concerning captures on land and water. The official opinion of the Attorney General has been requested as to the constitutionality of the section to which her Majesty's government objects, and also as to whether it imparts an extension to the belligerent right of capture which is not warranted by public law. Deferring the further consideration of those questions until that opinion shall have been obtained, I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 11, 1863.

MY LORD: I have considered with care your lordship's note of the 9th instant, in which you inform me that it has been represented to you that at New Orleans, employment on certain public works was at one time confined to persons taking the oath of allegiance to the United States, with the result that a considerable number of British subjects took that oath in order to obtain the means of supporting themselves. Upon this state of facts you intimate a desire that it shall be declared definitively by the government that the oath taken in these cases shall not be so interpreted as to affect the civil or political status of those by whom it was sworn.

It is certain that the assumption of the obligation contained in that oath can neither dissolve the allegiance of the persons concerned to their natural sovereign, nor secure for them the full benefits of citizenship in the United States. Neither of those effects could be produced in any other way than by an undergoing of the process of naturalization prescribed by the laws of Congress.

As your lordship must have perceived, there is no difficulty in replying to your suggestion, if its purpose is confined to the points I have noticed. If, however, its meaning goes further, and seeks for a determination of this government in advance as to the operation of the oath upon special claims which those who have taken it may have for exemption, as neutral aliens, from the effect of military orders which may be made by the authorities at New Orleans, I can only say that it is impossible now to anticipate such orders, and resolve in advance the questions which may arise upon them in view of the oath to which you have referred.

To guard against misapprehension it is proper to say, that in the views I have now submitted to you I have assumed that the oath referred to has been in all cases taken voluntarily, without duress or compulsion. If taken under duress or compulsion, it would be held simply void and of no effect. Candor obliges me to add, that those who have thus voluntarily taken it, after having before

declared on oath their intention to become citizens of the United States in the manner prescribed by the laws of Congress, would properly be deemed to have thereby waived any claim of exemption from the obligations imposed by the recent act of Congress for the enrolment of the national forces.

I have the honor to be, with high consideration, your lordship's obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 9, 1863.

SIR: With reference to your note of the 24th ultimo, and to my answer dated the following day, I have the honor to inform you that the governor general of Canada has lost no time in giving directions that inquiry shall be instituted relative to the arrests stated to have been made at Port Huron by Canadian constables, and that, if the case shall prove to be as represented, his excellency will take measures to redress the grievance in the present instance, and to prevent a recurrence of it in future.

I have the honor to be, with the highest consideration, sir, your most obedient servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Memorandum submitted to the Secretary of State by Lord Lyons.

MAY, 1863.

There is an impression in England in regard to the recent cases of wrong on the part of American authorities which is still more serious than the wrongs themselves. It is an impression, widely spread and deeply felt, that it is the intention by the American government, by captures without cause, by delays of adjudication, by wanton imprisonment of the masters and part of the crew of captured vessels, to put a stop to the British trade to Matamoras altogether.

The trade to Matamoras is, however, a perfectly legitimate trade. It is carried on from New York as it is from London and Liverpool. To pretend that some goods carried to Matamoras may be afterwards transported across the frontier to Texas does not vitiate the legitimate character of that trade. How is it possible to say beforehand that certain goods will be consumed in Mexico, and certain other goods will be carried into the so-called Confederate States? It might so happen that all the goods carried from London might be used in Mexico, and all the goods sent from New York might be transported by land to Texas. This is a matter beyond the scope and destination of the sea voyage. If, therefore, it should appear that from jealousy of trade, or unjust suspicion of contraband, or any other motive, the British trade were deliberately and systematically made subject to vexatious capture, and arbitrary interference, it is obvious that Great Britain must interfere to protect her flag. While submitting to the most severe interpretation of the law of nations, she cannot allow that, under pretence of that law, hostilities should be carried on against a lawful branch of her commerce.

Lord Lyons to Mr. Seward.

WASHINGTON, May 9, 1863.

SIR: Having communicated to the governor general of Canada the note which you did me the honor to address to me on the 15th ultimo, respecting the abduction of Ebenezer Tyler from British territory, I am requested by his excellency to convey to you his cordial thanks for the promptitude with which you attended to the application which I made to you, by his desire, on the subject, as well as for the ample redress which the government of the United States has given for the grievance complained of.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 12, 1863.

MY LORD: In a conversation which was held between us at this department, on the 7th instant, you represented to me, by direction of your government, that "there is an impression in England, in regard to the recent cases of wrong on the part of American authorities, which is still more serious than the wrongs themselves. It is an impression, widely spread and deeply felt, that it is the intention of the American government, by captures without cause, by delays of adjudication, by wanton imprisonment of the masters and part of the crews of captured vessels, to put a stop to the British trade to Matamoras altogether." You further represented to me, as the views of your government, that the trade to Matamoras is a perfectly legitimate trade; that it is carried on from New York as it is from London and Liverpool; that to pretend that some goods carried to Matamoras may be afterwards transported across the frontier to Texas, does not vitiate the legitimate character of that trade. You asked how it is possible to say beforehand that certain goods will be consumed in Mexico, and certain other goods will be carried into the so-called Confederate States. You argued that it might happen that all the goods carried from London might be used in Mexico, and all the goods sent from New York might be transported by land to Texas, and this is a matter beyond the scope and destination of the sea voyage. You added, that if, therefore, it should appear that, from jealousy of trade, or unjust suspicion of contraband, or any other motive, the British trade were deliberately and systematically made subject to vexatious capture and arbitrary interference, it is obvious that Great Britain must interfere to protect her flag; and you closed with saying that while submitting to the most severe interpretation of the law of nations, she could not allow that, under pretence of that law, hostilities should be carried on against a lawful branch of commerce.

It was not possible for me to reply at once to a representation so entirely new, so comprehensive, and yet so elaborate, and I contented myself with promising you that it should receive, at an early day, the serious consideration to which it is entitled.

I do not in the least doubt that the impression which you have thus described does exist in England, and I am not prepared to question the fact that it is as deeply and widely prevalent as you have described. I can well enough understand, I think, that pains have been taken to produce that impression by many persons there, some of them being your countrymen, and more of them

being mine, to whom the preservation of peace between the United States and Great Britain is a subject of less concern than mercantile speculations, or sinister political designs of their own. And I think I can understand how such persons may, for a time, by extravagant and concerted statements, mislead the public mind of a country even so enlightened and considerate as Great Britain. I must, at the same time, be allowed to say, that as no facts are given in support of this impression, so, I think, it has been produced in the absence of any occurrence sufficient for its justification.

It is only very recently that this especially enlarged Matamoras trade has come to our notice. Suddenly and quietly as palaces, cities, states, and empires rise in the tales of the Arabian Nights under the waving of a wand or the utterance of a spell, that trade rose from a petty barter to a commerce that engaged the mercantile activity of Liverpool and London. Simultaneously roads across the interior of Texas were covered with caravans, the cotton of disloyal citizens in the insurrectionary region became, all at once, the property of the treasonable conspiracy against the Union, and it was hypothecated, by its agents, for a foreign loan to satisfy obligations contracted by them in the fitting out, and equipping and clearing from British ports, naval expeditions to destroy the commerce of the United States. The Peterhoff was about the first discovered of the vessels engaged in this expanded trade. Unusual arts and devices were alleged, with much probability, to have been used by her owners to secure for her immunity as a trader bound to Matamoras with a lawful cargo, when, in fact, she was designed not to reach, or even seek, that port at all, but to discharge her freight into rebel lighters, at the mouth of the Rio Grande, at the order of pretended consignees, who were her passengers, to be conveyed at once to the possession of the insurgents on American, not Mexican soil. She was indicated, moreover, as a forerunner of other fraudulent craft of the same character, organized with regularity, so as to constitute a contraband packet-line. She was searched, and, upon probable grounds, was seized and sent into the nearest available port for adjudication. The court at Key West having temporarily risen, she was, in compliance with the wishes of the British authorities, as well as of the owners, sent at once to New York. Investigation was promptly instituted there. It has been prosecuted with as much diligence and regularity as were ever practiced in any prize court in any country; and no unredressed complaint has yet been made to this government of any error or abuse which has occurred in the proceedings. But that investigation had only commenced there when the impression was suddenly made in England to which your lordship has called my attention, and that impression was made in advance, and with the tendency, if not the purpose, to discredit the tribunal by anticipating its judgment, and to prevent the exercise, by this government, of all legal right to arrest the new contraband trade. It would be neither possible nor becoming for me, on behalf of the government, to resort to specific explanations, designed to furnish you means for correcting the erroneous and unjust impression which you have brought to my notice, without indicating, on your part, any illegal or unfair act of this government or its agents which could have been concerned in producing that impression. I must be content, therefore, with a denial in the general and in the particular of every one of the designs or dispositions attributed to this government by those persons in England who have made or received the impression which you have described. No other proof need be offered to show that the impression is groundless and erroneous, than the correspondence which has taken place between this department and the British office for foreign affairs, touching the cases of seizure which have occurred throughout the whole war, including the cases of the Dolphin and the Peterhoff, *ex parte* statements of which in England would seem to have had effect in producing the erroneous impression complained of. Thus referring, confidently, to that correspondence, I have now to inform your lordship that

every seizure which has been made since the last autumn, was made under the just and fair and unquestionably legal instructions of the Secretary of the Navy, which were announced to you by me in my note of the 8th of August last, and that no other or different instructions, open or secret, have been given by this government. As it cannot be assumed by the United States, nor conceded by Great Britain, that all the vessels ostensibly trading between a British port and Matamoras are unlawfully engaged, so it cannot be claimed by Great Britain, nor conceded by us, that some British vessels may not be fraudulently engaged in that ostensible trade in conveying supplies to the insurgents of the United States. This government puts forth its best efforts, in all cases, to prevent abuses of the right or of the power of search, and if these efforts sometimes fail, through the incompetency or misjudgment of an agent, it hastens to correct the involuntary error. It refers the trial of every fact, and of every question of law, to a court recognized by the law of nations, no one of whose judgments has yet been complained of by the British government, and which, therefore, justly lies under no suspicion of either want of intelligence or want of impartiality.

Happily, the operations of the army and the navy on the Mississippi seem now to be likely to break up the inland way, over which the unlawful trade, in question, was intended to be carried, and to remove the remunerative temptations to a continuance of that injurious and forbidden commerce. Renewed instructions have been given to the commanders of the blockading fleet to practice caution and conform strictly to the principles of maritime law, in conducting searches and seizures. The admiralty is likely soon to pronounce upon the legality of the seizure of the *Peterhoff*, and, in other cases, which are in preparation for adjudication.

If, therefore, as the British government assures us, with entire frankness and sincerity, as we believe, that government is content to abide by the rules and principles of the law of nations, I see no reason to doubt that the painful impression, to which have you called my attention, will give way to sentiments more accordant with the intentions of the two governments, and more conducive to the preservation of harmony and friendly intercourse between them.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 12, 1863.

MY LORD: With reference to your note of the 27th ultimo, requesting further particulars in regard to the transfer of the British prize steamer *Granite City* to the Navy Department, I have the honor to communicate a copy of two letters, upon that subject, addressed to this department, by the United States attorney at New York, one bearing date the 22d ultimo, and the other the 8th instant.

It appears, from these communications, that the owners of the vessel were not notified of the application to the court for the transfer, because no attorney had appeared in the suit on their behalf.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. E. Delafield Smith to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED
STATES FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, April 22, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 20th instant, requesting information as to the order of the court, directing the transfer to the Navy Department of the steamer Granite City, captured as prize, and the reasons assigned for that proceeding.

In reply, I have to say that the Granite City arrived at this port on the 29th, and was libelled as prize on the 30th ultimo. On the 7th instant, I received a letter from the honorable Secretary of the Navy, stating that the Navy Department would take the steamer for the use of the government, at a valuation of \$55,000.

I accordingly applied for, and obtained from the court, an order for the delivery of the vessel to the agent of the Navy Department, basing my application upon the second section of the act of Congress of March 3, 1863, entitled, "An act further to regulate proceedings in prize cases, and to amend various acts of Congress in relation thereto." I enclose, herewith, a copy of the order granted, and of the letter above referred to.

I add for your information that the monition issued against the vessel and cargo were returned into court yesterday, and no one appearing to claim either, the default of all parties was taken, and the case submitted to the court for its decision.

I am, sir, with great respect, your obedient servant,

E. DELAFIELD SMITH,

U. S. District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

At a stated term of the district court of the United States of America for the southern district of New York, held at the United States court rooms in the city of New York, on Wednesday, the 8th of April, A. D. 1863.

Present: The honorable Samuel R. Betts, district judge.

THE UNITED STATES	} In prize.
<i>vs.</i>	
THE STEAMER GRAN- ITE CITY, her tackle, &c., and cargo.	

A libel having been filed on the part of the United States, in prize, against the above vessel, and a warrant of attachment thereon having been served upon her, and she being held in custody by the marshal, on filing a copy of an official letter from the Secretary of the Navy, dated April 6, 1863, to E. Delafield Smith, United States district attorney, and on motion of said attorney, it is ordered by the court, that the marshal forthwith deliver, for the use of the government, the said vessel into the possession of the Secretary of the Navy, or such person as may be by him authorized to receive her, and that the cargo of the above-named steamer Granite City be immediately unladen by the marshal under the superintendence of the prize commissioners, and that the same be stored in some suitable warehouse to be selected for that purpose, there to abide the decree or further order of the court; and that at the time of such dis-

charge, the said prize commissioners take a full and accurate inventory of the said cargo, specifying each package thereof, and file the same with the clerk of this court, with all convenient speed.

SAMUEL R. BETTS.

A true copy.

GEO. F. BETTS, *Clerk.*

Mr. Welles to Mr. Smith.

NAVY DEPARTMENT, *April 6, 1863.*

SIR: The department will take for the use of the government the prize steamer Peterhoff, valued at one hundred and ten thousand dollars, and the prize steamer Granite City, valued at fifty-five thousand dollars, and will deposit these amounts as required by law.

The commandant of the navy yard at New York has been directed to receive the vessels.

I am, respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

E. DELAFIELD SMITH, Esq.,
United States Attorney, New York.

Mr. Smith to Mr. Seward.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED
STATES FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, May 8, 1863.

SIR: Referring to your letter of the 2d instant, with regard to the prize steamer Granite City, covering a copy of a despatch from Lord Lyons, I respectfully refer to my letter to you of the 22d ultimo. All the material proceedings in the case are detailed in that letter.

In response to the inquiries of Lord Lyons, I have to say, that the owners of the vessel were not notified of the application to the court for the order to transfer the vessel to the Navy Department, because no attorney had appeared in the suit on their behalf. I presume they did not know of the application until after the order was made. The libel was filed March 30, the warrant of attachment being returnable April 21. The order for the transfer was entered April 8. The practice in prize is the same as in admiralty cases. The marshal publishes in the newspapers notice of the filing of the libel and of the return day of the attachment. The attorney of the owners can at once give notice of retainer, and will then be entitled to be notified of all subsequent proceedings. Or, the owners may wait until the return day and then file their claim, which of course entitles them to notice of all motions in the case. In this instance, the owners neither served notice of retainer nor appeared on the return day to claim their property. A default was therefore taken on the 21st April, and the case was submitted to the court. No decision has yet been rendered, but, judging from the evidence, I have no doubt that vessel and cargo will be condemned.

On my application for the order of transfer, Mr. F. H. Upton appeared on behalf of the captors, and though not pretending that the value fixed by the Navy Department was too low, contended that the court ought to appoint appraisers, and then direct the transfer at the value fixed by such appraisers. The court granted the order without passing upon the point raised by Mr.

Upton. Subsequently, on Mr. Upton's motion, appraisers were appointed by the court to determine what sum the Navy Department should pay for the vessel. They have not yet reported. Had the owners of the Granite City considered the value fixed by the Navy Department unfair, they could of course have taken the same steps to have an appraisal by order of the court, that were actually pursued on behalf of the captors.

If my letter of the 22d ultimo, and the present one, fail to convey to the department sufficiently explicit information in reference to all the proceedings in this case, I shall, of course, be happy to furnish further information upon any point to which my attention may be directed.

I am, sir, with great respect, your obedient servant,

E. DELAFIELD SMITH,
United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 13, 1863.

MY LORD: I have the honor to inform you that, by a note which has just been received from the Secretary of the Navy, I learn that he has no special information concerning the transactions affecting the claim of Messrs Galbraith & Co., of London and Glasgow, for compensation of losses which they allege that they have incurred by reason of the capture of the Peterhoff, and the subsequent complaint of Mr. Redgate and Mr. Ellsworth, beyond the general report which has been made to him of the seizure. As the affair now stands, the claim seems to me to be an incident to that seizure, and chiefly if not wholly involved in the judicial investigation concerning it now going on in the prize court at New York. Should it appear that the claim, when duly submitted to that court, is capriciously or unjustly disregarded or disallowed, because, although just in itself, it yet should not be found within the competency of the court to grant any redress to which the claimants might be entitled, it would then unquestionably present a case for examination by the executive department of the government. I respectfully submit to your lordship's consideration the question, whether any reference of the claimants to the court is proper or necessary on the part of her Majesty's government.

I embrace this occasion to offer to your lordship a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 14, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 7th instant, transmitting a copy of a letter and of its enclosures, which have been received by her Majesty's principal secretary of state for foreign affairs, from Mr. Grazebrook, owner of the steamship Dolphin, and stating the questions which it appears to her Majesty's government arise concerning the seizure of that vessel. In reply, I have the honor to inform you that I have

submitted a transcript of your communication to the consideration of the Secretary of the Navy.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 14, 1863.

MY LORD: I duly received and have taken into consideration your note of the 23d ultimo, relative to the case of Mr. John J. Shaver. Notwithstanding the remarks in that communication, this government is of the opinion that, under the circumstances and at that time, there was probable and justifiable cause for the arrest and temporary imprisonment of that individual. Whether he could have been convicted of treason upon the proof which has been referred to in the correspondence between this department and her Majesty's legation, is a question which it is now too late to determine, as he was released without formal trial. In the event, however, of a joint commission for the purpose of adjusting claims, his case, both upon the facts and the law, may be judicially examined and decided to the mutual satisfaction of all parties.

I have the honor to be, with high consideration, your lordship's very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 14, 1863.

SIR: In a note dated the 4th of last month I had the honor to transmit to you an affidavit of Mr. J. M. Vernon, affirming, on oath, that he was a British subject; and I stated to you that he demanded that an immediate investigation of his case might be made, and that he might be confronted with his accusers, or, if this were not granted, that he might at once be set at liberty. I added that he begged that he might, at all events, be removed without delay from Fort Lafayette, as his lungs were suffering from the atmosphere of that place.

In a note dated the 7th of last month you were so good as to inform me that the attention of the Secretary of the Navy had been invited to the matter.

I received yesterday a letter written by Mr. Vernon, at Fort Lafayette, on the 1st instant, from which it would appear, that, so far as he is aware, no steps have yet been taken in his case. He says that all his fellow passengers on board the Huntress, and all the crew of that vessel, have been released, except himself, and Mr. Black, and the first engineer, who is an American. He affirms that he has done everything in his power to have his case investigated, and he calls attention to the fact that he has been held a prisoner for three months and a half.

I cannot but express my hope that Mr. Vernon's case will be immediately disposed of; that if there be no proofs, either that his declaration that he is a British subject is untrue, or that, being a British subject, he has committed some offence justifying his imprisonment in the United States, he will, without further delay, be set at liberty.

You are aware that Mr. Black has been released since the date of Mr. Vernon's letter.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 15, 1863.*

SIR: With reference to your notes of the 31st March last and 15th ultimo, and to my answers of the 2d and 16th ultimo, I have the honor to enclose an extract from a despatch which I received yesterday from her Majesty's consul at San Francisco, in answer to the telegram by which I directed him to communicate with the governor of Vancouver's island, respecting the reports that vessels were being fitted out in that colony to cruise against American commerce.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Extract from a despatch from her Majesty's consul at San Francisco to Lord Lyons, dated April 17, 1863.

"I had the honor to receive, at 6 o'clock last evening, your lordship's telegram, and at once replied to it by telegraph.

"I have to-day written to Governor Douglass, in accordance with your instructions, and the reply will be received here about the end of April, should the steamer wait long enough at Esquimalt to enable his excellency to acknowledge receipt by return mail. I feel confident there is no foundation for the reports made to the United States government that attempts are being made to fit out a confederate privateer in Vancouver's island. I see so many people from there, and am in such constant correspondence with the official and private residents of that island, that I should have been almost sure to hear if anything of that kind had been going on. I believe the idea to have originated in sundry articles in one of the Victoria papers, about two months ago, wherein it was stated that a confederate commodore was in Victoria, and that proposals had been made to purchase the screw steamship Thames for a privateer.

"The supposed commodore was Captain Manley, who was sent to Victoria by a firm in this city engaged in the Mexican trade, to ascertain if the Thames was a suitable vessel to run between this port and Mexico, and if so, to endeavor to purchase her."

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 15, 1863.

MY LORD: Referring to the correspondence which has taken place between us, relative to the abduction of Ebenezer Tyler from British territory, I now

have the honor to enclose to you a printed copy of an order which I have received from the War Department, dismissing Captain Haddock from the service of the United States, on account of his violation of the sovereignty of Great Britain.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Watson to Mr. Seward.

WAR DEPARTMENT,
Washington City, May 12, 1863.

SIR: Referring to previous correspondence upon the subject, I have the honor, by direction of the Secretary of War, to enclose herewith a printed copy of General Orders, No. 119, dated the 9th instant, dismissing from the service Captain John A. Haddock, 35th regiment New York volunteers, "for violation of the sovereignty of a friendly foreign state in arresting Ebenezer Tyler, a deserter from the United States forces, and bringing him away from within the boundaries of Canada."

Very respectfully, your obedient servant,

P. H. WATSON,
Assistant Secretary of War.

HON. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 15, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 11th instant asking for certain information concerning a promised supplementary report from Commander Collius relative to the capture of the schooner Elias Reed, and to state that it has been referred to the Secretary of the Navy with a view of obtaining the desired information.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 18, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 15th instant, and to thank you for the extract from a despatch from her Majesty's consul at San Francisco which accompanied it, in answer to a telegram by which you directed him to communicate with the governor of Vancouver's island

respecting the reports that vessels were being fitted out in that colony to cruise against American commerce.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May* 18, 1863.

SIR: With reference to the note which you did me the honor to address to me on the 12th of January last, and to our subsequent correspondence on the subject of preventing the Indians on the northern frontier of the United States from being supplied with arms and ammunition, I have the honor to transmit to you a copy of a letter on the subject from the colonial department of her Majesty's government to the foreign office, and an extract from a letter from the Hudson's Bay Company to the colonial department.

Trusting that the information contained in these papers will be satisfactory to you, I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

DOWNING STREET, *March* 26, 1863.

SIR: With reference to your letter of the 18th ultimo, I am directed by the Duke of Newcastle to acquaint you that immediately on its receipt his grace suggested to the Hudson's Bay Company that they should use all their authority and influence to prevent hostile Indians on either side of the frontier from being supplied with arms, ammunition, or military stores, to be used against the peaceful inhabitants of the United States.

The Duke of Newcastle has much satisfaction in transmitting an extract of a letter of the Hudson's Bay Company, by which it will be seen that not only did they forthwith send out directions in conformity with his grace's suggestions, but that they had already to a great extent anticipated his wishes by very proper instructions previously sent out to their officers, prohibiting, in the strictest manner, the sale from the company's stores of any arms or military stores to any of the Indians at war with the people of the United States.

I am, &c.,

J. F. ELLIOT.

E. HAMMOND, Esq., &c., &c., &c.

Extract of a letter from the Hudson's Bay Company dated February 26, 1863.

During my absence from London, on Saturday last, Mr. Fraser, the secretary of this company, acknowledged the receipt of Mr. Elliot's letter of the 21st instant, transmitting copy of a circular which the governor general of Canada has addressed to the superintendent of the Indians in the northwestern parts of the province, and at the same time acquainted Mr. Elliot, for your grace's satisfaction, that copies, both of the letter and circular, had, by that day's post, been forwarded to Governor Dallas, at Red River settlement, and to the Hudson's

Bay Company agents throughout Canada, with instructions to give effect to your grace's wishes.

I think it will be satisfactory to your grace to learn that I have in some measure anticipated your suggestion on this subject. Immediately on the receipt of the news of the intended visit of the Sioux Indians to Fort Garry, and of the rumors in circulation at St. Paul as to the object of that visit, I addressed a letter, dated February 5, to the company's representative at Red River settlement, in which I enjoined him to prohibit, in the strictest manner, the sale from the company's depot of arms, ammunition, or military stores to any of the Indians at war with the people of the United States.

In consideration of the gravity of the circumstances, I felt it to be of importance that the hands of the government of Rupert's Land should be fortified by this injunction, at the same time that I have little doubt that the usual policy of the company, which has always been that of avoiding to give the Indian tribes any encouragement or assistance while in hostility with white neighbors, would have been acted upon without these instructions.

His Grace the DUKE OF NEWCASTLE, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 18, 1863.*

SIR: I have the honor to transmit to you a copy of a despatch which I have received from the governor of the Bahama islands, and an extract from a memorial addressed to his excellency by merchants of the town of Nassau.

These papers relate to the restrictions of the trade between the northern ports of the United States and the Bahamas, which have been for some time a subject of controversy between the British and American governments. I do not, however, purpose to make my present note a part of that controversy. I simply desire to ask that, without prejudice to the further discussion of the general question, one particular grievance, which is put forward in the memorial, may be at once taken into consideration, and, if possible, redressed.

The memorialists complain that the bonds which their agents are compelled to give at New York are no longer cancelled, even on the production of a certificate from the American consul in the form specified by the government of the United States. It is to this complaint that I now wish to call your attention; and waiving on the present occasion all controversy concerning the exaction of the bonds, I venture to express a hope that the recent aggravation of the inconvenience which they occasion may be removed without delay.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State, &c.

GOVERNMENT HOUSE,
Nassau, Bahamas, May 9, 1863.

MY LORD: The presentation of the accompanying memorial, on the eve of the departure of the mails, leaves me no time to append any comment to it.

The memorialists are all merchants of this city, and the subject of their remonstrance is of considerable moment both in a political and commercial point of view.

I infer from the observations of those by whom it was presented that their

chief grievance is that the bonds, given by their agents in New York, are no longer cancelled after the signature of the consular certificate, which was originally issued for the purpose of enabling them to be cancelled.

Certainly the continued enforcement of these bonds must discourage any persons from undertaking this kind of agency in New York, and must in an equal degree discourage all trade between New York and Nassau.

I have, &c.,

C. J. BAILEY, *Governor.*

Extract from a memorial presented by merchants and others to the governor of the Bahama islands, dated Nassau, May 7, 1863.

“Merchants are obliged, before they are allowed to export goods of any description from a northern port to any port in this colony, to give bond to the value of the shipment, not only that the exporter shall not himself ship such goods to any port in the confederacy, but that he will not dispose of them to any other person who will so ship them—a condition which your lordship will at once perceive is not only an interference with our rights as British merchants in carrying on our trade within British territory, but is one which it is quite impossible for us to perform, as the moment we sell our goods here all interest over them of course passes from us, and yet our bonds are liable to forfeiture if any person who gets possession of such goods, even as a purchaser in market west, conveys or attempts to convey them to the Confederate States.

“These bonds are required to be entered into by our agents in New York. Originally they were cancelled on the production of a certificate from the American consul here; but latterly, although the form of this document was framed by the United States authorities, its reception as proof of the performance of the condition stipulated for has been rejected by those very parties, and at the present time the agents in New York of various merchants here have liabilities outstanding against them, in respect of their bonds, of so enormous an amount as would, if enforced, bring ruin to their doors; and under these circumstances the merchants here must stop their importations from the northern States unless remedial measures are, without delay, adopted—a course which we should be most reluctant to pursue, as we feel that it is one that may result in great suffering on the part of the inhabitants of the colony generally, as the bonds referred to are required, not only for manufactured goods, which might be procured elsewhere, but for provisions, including those imported for her Majesty’s government, and for the other common *necessaries of life*, which we are obliged to resort to the American market for, and a cessation in the supply of which would probably produce the same painful results here which have been recently produced in the manufacturing districts of the mother country by the interruption of the trade in cotton.”

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 19, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 14th instant, relative to the case of Mr. J. M. Vernon, a prisoner in Fort Lafayette, and to state that a copy of it has been communicated to the Secretary of War, with a request that he will inform me of the progress and result of the proceedings in the case.

I have the honor to be, with high consideration, your lordship’s obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

WASHINGTON, *May 20, 1863.*

MY LORD: In reply to the letter of this department which was accompanied by a copy of your communication of the 7th instant, relative to the seizure of the British steamship *Dolphin*, the Secretary of the Navy refers to his letter of the 1st of this month, the substance of which I had the honor to communicate to you on the 7th instant, in which it was stated that the commander of the proper blockading squadron would be instructed to examine into the charges of improper treatment of the crew of the *Dolphin* and report thereon, as well as upon other statements in the protest of the master of the vessel, and represents that the Navy Department has not yet received the required report.

Every effort will be made on the part of this government to see that the law of nations is scrupulously observed in the exercise of the right of visitation and search, and redress will be promptly ordered in all cases of misconduct, mistake, or error as soon as the facts can be ascertained.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 21, 1863.

MY LORD: Adverting to my note of the 7th instant, relative to the case of the schooner *Mont Blanc*, in which it was stated that the Secretary of the Navy would designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damage to be paid in that case, I now have the honor to enclose to you the copy of a letter of the 18th instant, addressed to this department by Mr. Welles, naming Acting Rear-Admiral Theodorus Bailey for the purpose.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *May 18, 1863.*

SIR: Agreeably to the conversation during our interview of Saturday last, that the affair of the *Mont Blanc* be disposed of by referring it to some person at or near Key West to consider and dispose of the whole subject without an appeal to the court, as the amount involved is small, I would name Acting Rear-Admiral Theodorus Bailey for the purpose. Should this suggestion be acceptable, necessary orders shall be given to Acting Rear-Admiral Bailey. It can be left to Lord Lyons to associate some one with Acting Rear-Admiral Bailey, if he wishes.

Very respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 21, 1863.

MY LORD: With reference to your note of the 11th instant, asking for certain information concerning a promised supplementary report from Commander Collins, relative to the capture of the schooner Elias Reed, and to my reply, I now have the honor to transmit to you the copy of a communication of the 18th of this month from the Secretary of the Navy on the subject, from which it would seem that the seizure of the Elias Reed was not made within the territorial waters of Great Britain.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, May 18, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 15th instant, enclosing a copy of one from Lord Lyons, asking if the supplementary report which Commander Collins was called upon to make in reference to the seizure of the schooner Elias Reed was received; and if so, whether it furnishes any new evidence as to the exact spot on which the capture took place.

The report was received some weeks since, but through inadvertence its contents were not communicated to you.

I now have the honor to enclose herewith a copy of it, and of the affidavits that accompanied it; the report bearing date of March 29, 1863.

The evidence presented in the affidavits seems to place it beyond a doubt that the seizure of the Elias Reed was not made within the territorial waters of Great Britain.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Collins to Mr. Welles.

UNITED STATES STEAMER OCTORARA,
Key West, March 29, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th February last, with a letter from the Hon. William H. Seward, Secretary of State, and affidavits of two seamen in relation to the "seizure within the territorial jurisdiction of Great Britain" of the confederate schooner Elias Reed, requiring from me a supplemental report on the subject.

In answer, I have to inform the department that the Elias Reed has been condemned by Judge William Marvin, and has been sold at this place.

The enclosed original affidavits are, I trust, a sufficient answer to the depositions of two seamen at Nassau.

The fact of Stephen Roberts being a skilful seaman, late master of the British schooner Agnes, and a citizen of Nassau, will, no doubt, with Lord Lyons, give additional weight to his testimony.

I am, sir, very respectfully, your obedient servant,

N. COLLINS,
Commander.

Hon. GIDEON WELLES,
Secretary of the Navy.

SOUTHERN DISTRICT OF FLORIDA:

Now comes Stephen Roberts, and, being duly sworn, deposes and says that he is by occupation a Bahama pilot; that on the fifth day of November, A. D. 1862, he was engaged as pilot on board the United States commissioned ship-of-war the Octorara; that on said day the said ship-of-war Octorara captured a schooner called the Elias Reed; that the capture was made on the Bahama banks, about midway between Little Abaco island on the south and the range of keys on the north. Deponent believes the channel in which the Elias Reed was captured to be at least nine and a half miles wide at the place of capture. The captured vessel was just about in mid-channel, and cannot have been less than four miles from the nearest point of land at the time of seizure.

STEPHEN × ROBERTS.

Subscribed and sworn before me this 29th day of November, 1862.

GEORGE D. ALLEN,
Clerk United States District Court.

SOUTHERN DISTRICT OF FLORIDA:

Now comes John A. Johnstone, and, being duly sworn, deposes and says that he is at present, and has been for the past year, an officer of the navy of the United States; that on the fifth day of November, A. D. 1862, he was sailing-master on board the United States commissioned ship-of-war the Octorara; that on the said fifth day of November, A. D. 1862, the Octorara captured a schooner called the Elias Reed, and sent the same to Key West for adjudication; that deponent was the boarding officer from the Octorara to the Elias Reed; that at the time of boarding and capture the said Elias Reed was at anchor on what is called the Little Bahama banks, to the northward of Little Abaco island, about five miles to the westward of the island known as Pensacola key, and about mid-channel between Little Abaco island on the south and the range of keys on the north. Deponent believes the capture to have been made at a point four miles or more distant from any point of land on either side, and is positive the distance could not have been less than three and a half miles. Further deponent saith not.

JOHN A. JOHNSTONE,
Acting Master, United States Navy.

Subscribed and sworn before me this 29th day of November, 1862.

GEORGE D. ALLEN,
Clerk United States District Court.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 21, 1863.*

SIR: I had the day before yesterday the honor to receive your note of the 14th instant, relative to the claim of Mr. John J. Shaver. In acknowledging the receipt of this communication, I am bound to reserve the right of her Majesty's government to press the claim again, at any future period, on the government of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 21, 1863.*

SIR: With reference to your note of the 18th instant, and to our previous correspondence, respecting the rumors that endeavors were being made to fit out privateers at Vancouver's island, I have the honor to transmit to you a copy of a telegram which I have just received from the governor of that island.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Copy of telegram from Governor Douglass, dated Victoria, 14th instant.

BRITISH COLUMBIA, *May, 1863.*

Your communication of 2d of April, with enclosures, has just arrived, and I beg your lordship to assure the President of the United States that every vigilance will be used by this government to discover and frustrate all attempts by the enemies of the United States to fit out privateers in the ports of Vancouver's island.

JAMES DOUGLASS.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 22, 1863.*

SIR: I have the honor to acknowledge the receipt of your notes of the 7th and 21st instant, relative to the case of the Mont Blanc.

In the one you are so good as to inform me that the President admits that compensation ought to be made to the owners of that vessel, and you add that the Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and that the President will, upon their report, ask an appropriation of Congress for the discharge of the claim.

In the other note you do me the honor to acquaint me that the Secretary of the Navy proposes to name Rear-Admiral Theodorus Bailey, and invites me to name some person to confer with the rear-admiral for the purpose of ascertaining and agreeing upon the damages.

I venture to ask you to allow me to postpone for a short time responding to this invitation. It will, I think, be desirable that I shall communicate with the owners of the *Mont Blanc* before the matter is proceeded with. It may be well to guard against the possibility of their raising hereafter objections to the arrangement, on the ground that it was made by me without consulting them.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 22, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 18th instant, transmitting a copy of a letter from the colonial department of her Majesty's government to the foreign office, and an extract from a letter from the Hudson's Bay Company to the colonial department, on the subject of preventing the Indians on the northern frontier of the United States from being supplied with arms and ammunition, and to thank you for the information thus communicated.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 22, 1863.

MY LORD: I have the honor to acquaint you that the United States attorney at Key West, in a letter to this department of the 11th instant, represents that the British steamer *Adela* and her cargo were condemned as lawful prize by the district court there in February last, after a long delay, prayed for by the claimants, to enable them to introduce further proof from England. Mr. Boynton says nothing about the sale of the vessel which was the subject of your note to this department of the 7th instant, but it is presumed the sale may have been made pursuant to the decree of condemnation.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 22, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 18th instant, in which, alluding to the correspondence between the governments of the United States and Great Britain touching the restrictions on the trade between the northern ports of the United States and the Bahamas, you express a hope that the recent aggravation of the inconvenience, arising from the circumstance that certain bonds therein referred to are no longer cancelled, may be removed without delay.

In reply, I have the honor to state that the attention of the Secretary of the Treasury has been invited to the matter.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE.

Washington, May 22, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, and to thank you for the copy of the telegram received by you from his excellency the governor of Vancouver's island, which accompanied it, regarding the rumors that endeavors were being made to fit out privateers in that colony.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum in the cases of John Hall and John Harcastle, and to inform you that the attention of Major L. C. Turner, judge advocate, has been invited to it.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 23, 1862.

MY LORD: I have received a letter from the Secretary of War, accompanied by a communication to the general-in-chief from the officer in command on the northern frontier, setting forth that an expedition was about to start for the purpose of subduing hostile Indians, who probably might attempt to seek

refuge in British territory, and that as their presence there would, there was reason to believe, be as unwelcome to the settlers there as to the inhabitants on this side of the line, it was desirable to have permission to pursue them beyond United States jurisdiction, should this prove necessary. The pursuit cannot, of course, be made as a matter of right, but I will be much obliged if you will submit the subject to the proper British authority, in order that its views upon the subject may be ascertained and made known to this government.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 25, 1863.

SIR: It is reported to me by her Majesty's consul at Boston that the British steamship *Aries*, which has been carried to that port as a prize, is now being valued with a view to her being taken possession of by the United States naval authorities before the validity of her capture has been affirmed by the sentence of a prize court.

I shall be much obliged if you will take this matter into consideration, and if you will furnish me with any information or explanation which it may appear proper that I should receive concerning it.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Lyons to Mr. Seward.

WASHINGTON, May 25, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 22d instant, relative to the steamer *Adela*.

As you were so good as to say in a previous note (dated the 8th instant) that you would take measures to ascertain the grounds and circumstances of the alleged order for the sale of this vessel, and that you would, when sufficiently informed, recur to the subject, I await the further communication thus promised, and do not, on the present occasion, venture to importune you with any observations on the state of the case.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Lord Lyons to Mr. Seward.

WASHINGTON, May 26, 1863.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me, on the 2d of last month, respecting the case of the *Telegraph*.

Her Majesty's government accept with satisfaction the apology which you offer for the act of the captor, in compelling the papers of the *Telegraph* to be taken on board his ship. Her Majesty's government regret, however, that with regard to the other subjects of complaint, namely, the seizure of the vessel, and the placing of British seamen in irons, they cannot look upon your answer as equally satisfactory.

It does not appear to her Majesty's government to be quite clear whether it is intended in your note to found the defence of the captor, and the refusal of the government of the United States to pay compensation, upon the ground that the *Telegraph* committed a breach of municipal law, or upon the ground that she committed a breach of international law. Her Majesty's government must, however, assume that the refusal has reference, as the demand had, to the law of nations; and it is to be remembered that it is not competent to the belligerent to enforce *fiscal* or *municipal* regulations upon the neutral by the exercise of the strictly *belligerent* right of visitation, search, or detention.

Her Majesty's government observe that you justify the seizure of the *Telegraph* by saying, "It seems to me that the United States could not accede to the demands of her Majesty's government in this case without admitting that they have no right to forbid and prevent vessels under a neutral or friendly flag, even in a time of blockade and civil war, from landing when and where they please upon the American shores for the purpose of rendering aid and assistance to insurgents, and to detain for examination vessels which infringe its established military and naval regulations."

Her Majesty's government are, however, at a loss to understand how this reasoning, be it ill or well founded, is to be applied to the particular case of the *Telegraph*. That vessel has not even been accused of having rendered aid or assistance to insurgents; nor is it a question whether the United States have a right to forbid the subjects of friendly states from visiting their shores; but it is a question whether the severe rights of visitation, search, and detention, which interfere with the general liberty of commerce, and which are conceded by neutral states to belligerents only, are to be exercised according to acknowledged principles and precedents of the law of nations, and not according to the private military and naval regulations of the particular belligerent state. In this case, the captor is stated in your note to have asserted "that it was illegal for the *Telegraph* to deviate from her outward-bound voyage and enter the (Florida) keys." Her Majesty's government cannot conceive that it is intended to affirm that a neutral ship is not at liberty to deviate from her outward-bound voyage, if by so deviating she does not interfere with the belligerent rights of blockade. Such a doctrine her Majesty's government would regard as indeed alarming to all neutral states. But there is no suggestion in this case that the *Telegraph* intended to break the blockade, that her cargo was suspicious, or that her papers were irregular. Moreover, when she was taken back to Key West it turned out that her clearance was regular, and her conduct perfectly and in every respect innocent.

Her Majesty's government cannot suppose that the United States prize courts would not have administered justice in this case, and, applying the recognized principles of maritime international law to the circumstances of it, have dismissed the *Telegraph* with her costs and damages.

With respect to placing the British sailor in irons for three days and three nights, the defence appears to her Majesty's government to be, that while smarting under the provocation of the seizure of his ship, a ship since admitted to have been perfectly innocent, the man swore, *on board his own ship*, when ordered to obey some directions of the captor, and that his own captain said he could not prevent him from doing so. Upon this he was taken out of his own ship and placed in irons on board the captor's ship for *three days and three nights*. It is, indeed, said that it was apprehended that the man would do some

act of violence, but no attempt to commit any act of the kind is alleged. No rescue was apprehended, and her Majesty's government cannot admit that a belligerent has a right to expect that neutral states will acquiesce in their subjects being treated with ignominy, and a severity not far removed from cruelty, upon such slender grounds as these.

Her Majesty's government cannot, therefore, consider the answer contained in your note as satisfactory, either as to the seizure of the ship or the treatment of the sailor; and they have, accordingly, directed me to make to you the foregoing representation.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 26, 1863.

MY LORD: Referring to your note of the 14th of this month, relative to the case of Mr. J. M. Vernon, a prisoner in Fort Lafayette, and the department's reply, I now have the honor to enclose to you the copy of a communication, of the 21st instant, from the Secretary of War on the subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, May 21, 1863.

SIR: In reply to your communication of the 15th instant, enclosing a copy of a note from Lord Lyons relative to Mr. J. M. Vernon, I have the honor to inform you that the case of Mr. Vernon was some time since referred to the judge advocate general, upon application from the Secretary of the Navy, and the decision of this department, based upon the report of that officer, was communicated to the Secretary of the Navy on the 18th instant, a copy of which is respectfully transmitted.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The SECRETARY OF STATE.

Mr. Stanton to Mr. Welles.

WAR DEPARTMENT,
Washington City, May 18, 1863.

SIR: The case of Mr. J. M. Vernon, referred to this department by your letter of the 23d ultimo, has been submitted to the judge advocate general, who reports, as the result of his examination, that, beyond reasonable doubt, Vernon is not a British subject; but there is no evidence, among the papers

submitted, that he has committed grave offences, subjecting him to trial by a court-martial. He was, however, a contractor under the rebel government, and was captured on or near a steamer, of which he was one of the owners, engaged in running the blockade. The perpetrators of this offence have hitherto been treated as *quasi* prisoners of war, and the judge advocate general finds nothing in Vernon's case to make it an exception to the general rule, or to forbid his being exchanged.

The report of the judge advocate general is approved, and Vernon will be held subject to exchange.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Official.

ED. R. S. CANBY,
Brig. Gen. and A. A. G.

WAR DEPARTMENT, *May 21, 1863.*

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 27, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 25th instant, transmitting a copy of a despatch recently received by you from Vice-Admiral Sir Alexander Milne, on the subject of the note addressed to you by this department, on the 11th ultimo, respecting the shot fired across the bows of her Majesty's ship *Desperate*, by the United States ship *Memphis*, in February of this year, and an extract from the instructions given by the vice-admiral to the officers in command of ships under his orders on the 25th of March last.

In reply, I have the honor to state that I have communicated a copy of your note and of its accompaniments to the Secretary of the Navy.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, May 27, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 25th instant, making inquiry concerning a report made to you by her Majesty's consul at Boston, that the British steamship *Aries*, which has been carried to that port as a prize, is now being valued with a view to her being taken possession of by the United States naval authorities before the validity of her capture has been affirmed by the sentence of a prize court, and to inform you that it has been referred to the Secretary of the Navy for the purpose of obtaining information on the subject.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 27, 1863.*

SIR: With reference to your note of the 12th of January last, and to the subsequent correspondence respecting supplies of arms to Indians on the frontier, I have the honor to transmit to you a copy of a circular which has been issued by the Hudson's Bay Company, in conformity with a suggestion from her Majesty's government, that the company should exercise its authority and influence to prevent the hostile Indians on either side of the frontier from being supplied with arms, ammunition, or military stores, to be used against peaceful inhabitants of the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

MONTREAL, *March 13, 1863.*

DEAR SIR: By instructions from the governor and committee, I herewith transmit copies of a letter addressed to the governor from the colonial office, under date 20th February last, and of a circular from the Indian department of the Canadian government to its agents on the subject of the apprehended renewal of hostilities on the part of the Sioux and other disaffected tribes within the United States. The Hudson's Bay Company's aid has been invoked towards quelling the spirit of disaffection which exists among those Indians, and I have to beg you will lose no opportunity that may offer in which your counsel and advice may have a salutary effect on the Indians within your own immediate district.

You will further be pleased to give effect to the desire of her Majesty's government as regards withholding from the hostile Indians arms, ammunition, and military stores, to be used against our neighbors within the United States frontier.

In conclusion, you will at all times and in all ways make it your aim to employ the company's influence and resources towards the maintenance of peace and good order as well within the adjoining States as on our own side of the frontier.

Your obedient servant,

EDWARD M. HOPKINS.

The OFFICERS *in charge of Fort William,*
Inichipicoton, Sault du Marie, La Cloche.

Lord Lyons to Mr. Seward.

WASHINGTON, *May 27, 1863.*

SIR: Her Majesty's government, having had under their consideration the note which you did me the honor to address to me on the 17th January last, as well as the correspondence which had previously passed between the Department of State and this legation on the subject of the imprisonment of Mr. Sherwin, have directed me to make to you the following communication.

The case of Captain Sherwin appears to her Majesty's government to be as follows:

A British subject, of good character and position, commanding a merchant vessel purchased in the United States, and lawfully employed, is suddenly arrested on a charge of high treason, and detained for twelve months in prison.

At the end of that period he is released, because the proper law officer of the United States would seem to have advised the government that the British subject in question cannot, "at present, be successfully prosecuted for high treason," though it is alleged that his conduct is believed to have "been unwarrantable and injurious." He is also required to sign a parole of honor not to aid or comfort the rebellion against the authority of the United States.

It seems to her Majesty's government that the plain meaning of this is, that the government of the United States cannot prove the serious charge, upon the ground of which they for a long period deprived a British subject of his liberty, most seriously injured his fortunes as the captain of a trading vessel, and subjected him and his friends to the greatest anxiety.

Her Majesty's government observe that, both by English and United States law, Mr. Sherwin is entitled to be considered innocent unless he is proved to be guilty; and the injury done to him is not, in the opinion of her Majesty's government, at all justified by the vague statement that his conduct has been unwarrantable and injurious. Her Majesty's government have accordingly directed me to apply to the government of the United States for an indemnity for the imprisonment of Mr. Sherwin. Her Majesty's government do not, however, forget that the necessities of the times have compelled the government of the United States to suspend the writ of habeas corpus, and if any peculiar circumstances warranting, in the distracted state of the country, the arbitrary proceedings against Captain Sherwin shall be alleged, they will be duly considered by her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr Seward.

WASHINGTON, *May 28, 1863.*

SIR: On the 23d ultimo I had the honor to bring to your notice the case of Mr. John Hardeastle, a British subject, confined in the Old Capitol prison; and on the 8th instant you were good enough to forward to me a copy of a report on the case furnished by the judge advocate, in which it is stated that Mr. Hardeastle had been arrested on entering the federal lines by a flag-of-truce boat, by permission of the so-called confederate authorities, charged with attempting to pass through the lines without a permit from the federal authorities, and that the case was under investigation. On receiving a letter from Mr. Hardeastle stating that he had been promised by the judge advocate, on the 2d instant, that his case should be attended to at once, and that he should be set at liberty forthwith, but that he was still in prison, I again brought the case to your notice, verbally, on the 21st instant, and was informed by you on the 23d that the attention of the judge advocate had been invited to it.

I have been much shocked to hear that this unfortunate man has since met with his death in the Carroll prison, and I must request that you will be good enough to inform me, with as little delay as possible, whether this report is true; and if so, what were the circumstances that led to so deplorable a result.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 28, 1863.

MY LORD: In reply to the letter of this department, which was accompanied by a copy of your note of the 25th instant, asking for information concerning a report that the Navy Department contemplated taking the captured British steamship *Aries* before her condemnation, the Secretary of the Navy observes that as the validity of her capture has been affirmed by the sentence of a prize court, he presumes no further information will be needed.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD,

Acting Secretary.

Right Hon. LORD LYONS.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 29, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 27th instant, transmitting a copy of a circular which has been issued by the Hudson's Bay Company, in conformity with a suggestion made to it by her Majesty's government, touching supplies of arms, ammunition, or military stores to Indians on the northern frontier of the United States. Thanking you for the information thus communicated, I beg that you will be so good as to convey to her Majesty's government an expression of the President's grateful acknowledgments for this friendly act.

I avail myself of the opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD,

Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, May 30, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 28th instant, in which, with reference to the case of Mr. John Hardcastle, inquiry is made whether the report is true that that unfortunate man has met with his death in the Carroll prison; and if so, what were the circumstances that led to so deplorable a result.

In reply, I have the honor to inform you that no time has been lost in communicating a copy of your note to Major L. C. Turner, judge advocate, with a view to an investigation of the matter and a report of the result of that investigation.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,

Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, May 30, 1863.

SIR: With reference to your note of the 25th ultimo, and to my notes of the 25th ultimo and 9th instant, I have the honor to transmit to you copies of a despatch and its enclosures, which I have received from the governor general of Canada, relative to the abduction by two Canadian constables of James Wilson and John McElrevy, from Port Huron, in the State of Michigan.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Lord Monck to Lord Lyons.

GOVERNMENT HOUSE,
Quebec, May 22, 1863.

MY LORD: Referring to your excellency's despatch of April 25, enclosing a communication from the Secretary of State of the United States, respecting the arrest on the territory of the United States of two men named Wilson and McElrevy by Canadian constables, I have the honor to inform your excellency that I have caused inquiry to be made into the facts of the case.

It appears clear that the two men referred to were removed by force from the State of Michigan to Canada by Canadian constables acting on their own responsibility, and that undoubtedly an infraction of the rights of the United States government was committed by them.

It appears from the statement of Mr. Vice-Consul John Mullen, forwarded to me by your excellency, that these men, when taken by the Canadian constables, were in prison at Port Huron, and were removed from thence to Canadian soil with the assent, if not with the assistance, of the constables and jailor at Port Huron.

The prisoners, Wilson and McElrevy, were since tried at the assizes of the county of Lambton, and having been convicted of the crime with which they were charged, (that of larceny,) were sentenced, the former to three years' confinement and the latter to two years' confinement in the provincial penitentiary, where they are now imprisoned.

Inasmuch, however, as they were made amenable by an act clearly illegal on the part of the Canadian constables, I am prepared to restore them, at the expense of the Canadian government, to the custody from which they were removed at Port Huron; and I will give directions to this effect immediately that I hear from your excellency that instructions have been sent to Port Huron to receive them.

I herewith enclose copies of correspondence which was passed between the county crown attorney of the county of Lambton and the prosecuting attorney of the county, in the State of Michigan, in which Port Hudson is situated, from which, in conjunction with the original statement of the case by the United States consular agent at Sarnia, forwarded to me by your excellency, it appears that the constable who committed the act justly complained of had the sympathy, if not the active co-operation, of the officers charged with the administration of justice at Port Huron.

I have further to remark, that the constables in Canada are not appointed by the provincial government, but by the magistrates in quarter sessions; and I have directed a letter to be addressed to the chairman of the quarter sessions of

the county of Lambton, calling his attention to the infraction of the territorial rights of a friendly power which has been committed, desiring him to rebuke the constables who have been guilty of the offence, and to give explicit instructions that under no circumstances have Canadian constables a right to cross the frontier of the United States for the purpose of executing any legal process intrusted to them.

I shall feel much obliged if your excellency will have the goodness to convey to Mr. Seward the substance of this despatch.

I have, &c.,

MONCK.

LORD LYONS.

Mr. Davis to Mr. Atkinson.

CROWN ATTORNEY'S OFFICE,
Sarnia, May 8, 1863.

DEAR SIR: I have just received a communication from our government, directing me to report the facts connected with the arrest of two persons, Wilson and McElrevy, (claiming to be American citizens,) who were recently brought over from Port Huron to Sarnia, and committed to jail on a charge of larceny from the store of Messrs. Baby & Co., township of Moore, in this county. It is stated, and so represented to our government, that these men were taken out of the lock-up at Port Huron, and forced to go on the ferry-boat, and from thence brought in irons to Sarnia, when they were fully committed for trial upon the charge referred to. As prosecuting attorney for the district within which these alleged illegal proceedings were had, I have taken the liberty of asking you to be so kind as to inform me of the actual facts of the case, (which, doubtless, you can soon get at the bottom of,) in order that I may report to our government, with a view to enable his excellency to give a satisfactory explanation to the American authorities, who have required information upon the subject.

I am, &c.,

F. DAVIS,
Crown Attorney, County Lambton.

B. J. ATKINSON, Esq.,
District Attorney, Port Huron.

Mr. Atkinson to Mr. Davis.

PROSECUTING ATTORNEY'S OFFICE,
Port Huron, Michigan, May 9, 1863.

DEAR SIR: Your favor of the 8th instant was handed to me yesterday. I was not personally acquainted at the time with the facts in reference to McElrevy and Wilson, but have made careful inquiry, and find that they were found on this side with a quantity of stolen goods, taken from the store of Messrs. Baby, at Mooretown. Our law is severe upon parties who may have stolen goods and brought them here under such circumstances, and we were preparing to give them an examination on a charge of grand larceny. The officer who had them in charge (Mr. McLeod) informed me that they got out of jail here, and designing to escape, went over to Canada, and were there found and arrested and tried for burglary. They had counsel employed here, and seemed to act advisedly in the matter, and, from all I can learn, preferred to stand their chances in Canada rather than be tried here. I cannot learn that any force was

used to procure their removal; they may have been led to believe that their punishment would be less in Canada than here, as their guilt was an admitted fact.

I had hoped the representatives of this government would let those men suffer a just punishment for their acts, and save us the expense and annoyance of prosecuting them here; and if the matter could be fairly presented to Mr. Giddings, he would, undoubtedly, see that we have no claim to have them returned, as they left here to escape punishment. I will be happy to give you any further information in the matter which may be within my reach.

Yours, &c.,

O'BRIEN J. ATKINSON,
Prosecuting Attorney, St. Clair County, Michigan.

Mr. J. F. DAVIS,
Crown Attorney, Lambton County, C. W.

COUNTY OF LAMBTON, *to wit*:

QUEEN *vs.* JOHN McELREVEY and JAMES WILSON.—Burglary.

Heard April 11, 1863.

James F. Baby sworn:

On the night of the 7th instant the store of F. & W. L. Baby was broken into. A quantity of goods were taken out of it, amongst which goods there were ready-made clothing, fur caps, cloth caps, silk neck-ties, and muslins. I swear that the prisoners have on now coats, waistcoats, neck-ties, and caps, that were part of the goods so stolen. They also had, when taken into custody, a carpet-bag containing more of the stolen goods, all of which goods I swear belongs to F. & W. L. Baby, and are part of the goods so stolen.

JAMES F. BABY.

Adjourned for the prisoners to get witnesses and counsel, to April 14, 1863.

APRIL 14, 1863.

James F. Baby sworn:

The prisoners were arrested in the State of Michigan. A man named McLeod arrested them. They were brought over without any authority from the American government, so far as I know.

JAMES F. BABY.

Charles Reilly sworn:

I recognize the two prisoners. The last time I saw them was a week ago, the 7th; they came on the 6th and staid all night and the next day. James Conkey paid for John McElrevey. Wilson said he had no money, but that McElrevey would pay for him.

CHARLES REILLY.

James Conkey sworn:

I am acquainted with John McElrevey. They were at my place on Monday and Tuesday, the 6th and 7th instant. McElrevey asked me for some money, saying that he had none. That was on the Monday. I gave him an American dollar bill. On Tuesday he asked me for some more; I gave him a quarter, and gave also another to pay for Wilson's bed. McElrevey agreed to work for me. I have known McElrevey for ten years. I heard McElrevey say that he would like to go to Lexington or Saginaw. They wanted to work and get some clothes

before they left. I heard them ask a young man named McThienon whether that big building was a shoe shop or a store. They asked whether there was any ready-made clothing in it. McElrevey wore the coat produced.

JAMES CONKEY.

Robert Dale sworn :

I was clerk in the store. I swear that the goods produced are part of the goods stolen from Baby's store.

ROBERT DALE.

Lord Lyons to Mr. Seward.

WASHINGTON, May 30, 1863.

SIR: I have the honor to acknowledge the receipt of the note dated the 26th instant, with which you have transmitted to me a copy of a letter from the Secretary of War to the Secretary of the Navy, stating that the judge advocate general reports that, beyond reasonable doubt, Mr. J. M. Vernon is not a British subject.

It will be in your recollection that, with a note dated the 4th of last month, I submitted to you an authenticated copy of an affidavit made by Mr. Vernon, to the effect that he is a native-born British subject, and that he has never been naturalized in this or any other country, nor declared his intention of becoming so naturalized. You will, therefore, I trust, not deem it unreasonable of me to ask that I may be made acquainted with the grounds upon which the judge advocate founds his opinion that Mr. Vernon is not a British subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. W. H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 1, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 26th ultimo, relative to the case of the British schooner *Telegraph*, and to state that it will be taken into consideration.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD, *Acting Secretary.*

Right Hon. LORD LYONS.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington June 1, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 30th ultimo, asking to be made acquainted with the grounds upon which the judge advocate general founds the opinion that Mr. J. M. Vernon is not a British subject, and to state, in reply, that a copy of it has been sent to the Secretary of War with a view of obtaining the desired information.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

F. W. SEWARD, *Acting Secretary.*

Right Hon. LORD LYONS, &c., &c.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 3, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 1st instant, and to thank you for the accompanying copy of a letter which her Majesty's secretary of state for the colonies caused to be addressed to the under secretary of state for foreign affairs, on being acquainted with the existence of the rumor that an attempt was being made to fit out a privateer at Vancouver's island.

I have the honor to be, with high consideration, your lordship's obedient servant,
F. W. SEWARD.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 5, 1863.

MY LORD: Adverting to your note of the 7th of May last relative to the case of the British steamer *Adela*, as well as to my subsequent notes to you in relation to that case, I now have the honor to enclose, for your information, the copy of a communication of the 26th ultimo, on the subject, from the United States attorney at Key West.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Boynton to Mr. Seward.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
Key West, Fla., May 26, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, together with a copy of the note of the British minister of the 17th instant, relating to the sale of the prize steamer *Adela*.

The case of the *Adela* was postponed for a long time at the request of the claimants, to enable them to introduce further proof from England. After the depositions arrived from England the hearing was again postponed some weeks, to enable Mr. Gerard, the agent of the owners, to be present at the argument. After the hearing Judge Marvin intimated in court that the case was one which must be appealed to the Supreme Court for a final decision, and that neither party could be prejudiced by a decree of condemnation being rendered, and the claimants have leave to appeal without filing the usual appeal bond.

The suggestion seemed to be entirely satisfactory to all parties. The decree and order for sale was drawn by myself, and re-written by the claimant's proctor here in conference with the agent from England. By the copy which I send you will see that the consent to sale was inserted by the claimants in the decree written by themselves.

An appeal was taken without filing a bond, in pursuance of Judge Marvin's suggestion.

I believe the vessel was not sold, but was turned over to the government in accordance with the alternative provision of the decree.

I am unable to see that any assurance given in your letter to Mr. Stuart, of the 13th of August, 1862, a copy of which was already in my possession, has in any sense been violated by the action of the court here.

I have the honor to be, sir, your obedient servant,

THOS. J. BOYNTON,

United States Attorney, S. D. of Florida.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c.

THE UNITED STATES
vs.
 THE STEAMER ADELA AND CARGO. } Prize.

Further proofs in this cause having been introduced by the claimants under the former order of the court, and the cause having been re-heard upon such further proofs, and upon all the proofs in the cause, and having been argued by the district attorney for the government, and by Walter C. Maloney, esq., for the claimant, it is now ordered, adjudged, and decreed that the said steamship, a vessel called the Adela, together with her tackle, apparel, furniture, and cargo, is good prize of war, and that the same be condemned as forfeited to the United States as such prize of war.

It is further ordered, by consent of parties, that the marshal transport the vessel and cargo to New York, and have the same appraised by C. Delano and Charles Copeland and Robert Mackie, and the cargo appraised by — Howes, and — Hyatt, and that he turn over and deliver to the government, at the appraised value, without waiting for the appraisement to be acted on by the court, on the requisition of either the War or Navy Department, the vessel or any part of the cargo, and that he proceed to advertise and sell at public auction any part of the condemned property not taken by the government within forty days from the arrival of the vessel in New York, and that compensation of appraisers shall not exceed fifty dollars each.

It is further ordered, by consent of parties, that the claimant has leave to appeal from the decree of condemnation without filing an appeal bond.

WM. MARVIN, *Judge.*

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 5, 1863.

MY LORD: Adverting to your communication of the 18th ultimo, with reference to the cancelling of certain bonds taken by the custom-house authorities at New York, upon the shipment of merchandise, from time to time, from that port to Nassau, New Providence, and to my reply, I now have the honor to state that some little delay, consequent upon the full examination of the matter, is necessary to enable the collector to make his report, but that the Secretary of the Treasury promises an early and satisfactory answer.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, June 5, 1863.

SIR: In a note dated the 25th of April last I had the honor to transmit to you a memorial which I had received from Mr. Henry E. Green, who represented that he was a British subject, and that he had been almost totally ruined by the destruction of his property at Napoleon, in the State of Arkansas, by troops in the service of the United States.

I at the same time stated to you that this case was only one among many brought to my notice, in which British subjects represented that they had suffered heavy losses at the hands of the United States forces, and that no means of obtaining compensation were open to them, and I added that I deemed it right to ask your attention to the general question of giving compensation for such losses, as well as to the particular case of Mr. Green.

On the 28th of April Mr. Hunter, who was at the time Acting Secretary of State, acknowledged the receipt of my note, but I have not had the honor to receive any further communication from the State Department on the subject.

In the mean time Mr. Green has strongly pressed me to urge his claim, and similar applications from other quarters are accumulating. I trust, therefore, you will not deem me importunate if I ask for a speedy answer, both on the particular case of Mr. Green and on the general question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 6, 1863.

SIR: In a note which you did me the honor to address to me on the 25th of April last, respecting the transfer, before condemnation, of the British steamship *Granite City* to the United States Navy Department, you were so good as to inform me that the authority for this proceeding was contained in the 2d section of the act of Congress approved on the 3d of March, and entitled "An act further to regulate proceedings in prize cases, and to amend various acts of Congress in relation thereto."

Her Majesty's government, having carefully considered the matter, are of opinion that this act of Congress, so far as it purports to authorize the taking of any captured neutral vessel, before adjudication, for the use of the United States government, is a novelty, for which no warrant is to be found in accredited authorities in usage, or in the principles of international law; and her Majesty's government have, accordingly, directed me to remonstrate against the exercise of the power conferred by the act.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 6, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 22d ultimo, asking to be allowed to postpone for a short time responding to the

invitation extended to you in my note of the 21st of May, to designate some person to confer with Acting Rear-Admiral Theodorus Bailey, in order to ascertain and agree upon the damages to be paid in the case of the *Mont Blanc*, and to state, in reply, that your request is cheerfully acceded to.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.,

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 6, 1863.

MY LORD: In answer to the letter of this department, which was accompanied by a copy of your note of the 22d of April last, asking compensation for the capture by the United States ship *Onward* of the British vessel *Magicienne*, on her voyage from Liverpool to Matanoras, the Secretary of the Navy suggests that the same course be pursued in this case as that proposed to be pursued in the case of the *Mont Blanc*.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

[Unofficial.]

DEPARTMENT OF STATE,

Washington, June 6, 1863.

MY DEAR LORD LYONS: I have received from the Secretary of the Navy a communication on the subject of your note, protesting against the section of the act of the last session of Congress authorizing the taking of captured vessels for the use of this government, at a valuation.

Please remind me of it, when I may again have the pleasure of seeing you here.

Very truly yours,

WILLIAM H. SEWARD.

LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 8, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 6th instant, in which, under the instructions of your government, you remonstrate against the exercise of the power conferred by the act of the last session of Congress, authorizing the taking of captured vessels, before adjudication, for the use of the government of the United States, at a valuation, and to inform you that it will be taken into consideration. At present it may not be improper to say that it is believed no case of the kind is now actually pending, and that the subject is already under the examination of the Attorney General.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 8, 1863.

MY LORD: Having submitted to the Secretary of the Navy a copy of your note of the 25th ultimo, and of its accompaniments, in reference to a previous correspondence, on the subject of firing shot across the bows of her Majesty's vessels by the vessels of our blockading squadrons, Mr. Welles states, in reply, that instructions were given to the commanding officers of these squadrons, on the 10th of April last, to observe the customary rule of firing a blank cartridge across the bows of vessels approaching the blockaded ports or coast, and that, on the 4th instant, he referred to those instructions, and communicated to the said officers the extract from Vice-Admiral Milnes's circular memorandum, which accompanied your note.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 8, 1863.

MY LORD: Recurring to your note of the 3d of February last, and my own of the 5th of the same month, touching the claim of John Mackenzie, master of the schooner Golden Eagle, on account of losses said to have grown out of the seizure and detention of that vessel by the United States cruiser Penobscot, and the alleged pillage of some of her stores, as well as money belonging to persons composing her crew, I have the honor to transmit a copy of a communication from the Secretary of the Navy of the 14th instant, and to invite your attention to the report of Acting Ensign Shubael K. Luce, who was placed in charge of the Golden Eagle after her seizure. In that report the truth of Captain Mackenzie's statement is denied, except that it is admitted that a barrel of potatoes and two hams were consumed by the prize crew, before they received provisions from their own vessel. From others of the accompanying papers it appears that there were circumstances respecting the movements of the schooner, taken in connexion with the fact that her cargo was composed chiefly, if not wholly, of salt, and with the statements of her crew, which naturally excited suspicions in the minds of the blockading officers that she sought to evade the blockade. Acting Rear-Admiral Lee, however, did not consider the evidence against her sufficiently strong to render it expedient to submit the case to adjudication. I would observe that the statement of the claim submitted by your lordship is indefinite, and is unsupported by any evidence of its correctness. When these omissions are supplied, by the parties aggrieved, I shall be ready to apply to the Secretary of the Navy for suggestions as to the manner of ascertaining and paying the amount of indemnity which may be justly due to them.

I have the honor to be, with the highest consideration, my lord, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, *May 14, 1863.*

SIR: Referring to your letter of the 5th of February last, and the copy of Lord Lyon's note therewith, I now have the honor to transmit herewith a copy of a despatch, No. 284, dated March 12, from Acting Rear-Admiral Lee, and its enclosures, and a copy of a communication from Lieutenant Commander J. E. DeHaven, dated the 4th instant, and its enclosure, relative to the claim of Mr. John Mackenzie on account of the seizure and detention of the schooner Golden Eagle, and alleged pillage of that vessel. The delay in answering your communication has arisen from the failure of Acting Ensign Luce, who was temporarily in charge of the Golden Eagle, to receive the first letter of inquiry addressed to him.

Very respectfully, your obedient servant,

GIDEON WELLES,
Secretary of the Navy.

Hon. WM. H. SEWARD,
Secretary of State.

Admiral Lee to Mr. Welles.

No. 284.]

UNITED STATES FLAG-SHIP MINNESOTA,
Newport News, Va., March 12, 1863.

SIR: I enclose herewith (A) a copy of the report of Lieutenant Commanding DeHaven, dated December 14, on the seizure by him of the schooner Golden Eagle; a copy of my advice to him, (B,) dated December 26, to discharge her from custody, if he had no more evidence against her than that presented in his report (A;) and (C) Lieutenant Commander DeHaven's explanations, dated March 2, regarding the alleged pillaging, &c., of the Golden Eagle, while under detention at Beaufort.

This last report is made in obedience to the department's letter of inquiry to me, dated February 10, and enclosing a copy of a communication from Lord Lyons to the Secretary of State on the subject.

In Lieutenant Commander DeHaven's communication (C) he states that he would require from Acting Ensign S. K. Luce, who was placed in charge of the Golden Eagle, a detailed report on the subject. This has not yet been received by me, but as Lieutenant Commander DeHaven, with the Penobscot, is now at the Washington navy yard, where he and his officers are accessible to direct inquiry by the department, if necessary, I have thought it proper to make this report.

I will forward the statement of Acting Ensign Luce as soon as received.

I have the honor to be, sir, very respectfully, yours,

S. P. LEE,

Acting Rear-Admiral, Commanding N. A. B. Squadron.

Hon. GIDEON WELLES,
Secretary of the Navy.

A.

UNITED STATES GUNBOAT PENOBSCOT,
Harbor of Beaufort, N. C., December 14, 1863.

SIR: I have to report that yesterday morning, about 10 o'clock, this vessel being on the passage to this port for repairs, I boarded the schooner Golden

Eagle, under English colors, of and from Nassau, N. P., and consigned to Thos. Duncan, Beaufort, North Carolina.

The captain and crew I have on board this vessel; the schooner I placed in charge of Acting Ensign S. K. Luce, with orders to proceed to Beaufort, North Carolina.

I have had an examination of the crew of the schooner, and send herewith the information elicited.

The papers of the Golden Eagle are indorsed by the American consul, and appear correct with the exception of shipping articles, where there is a discrepancy in the amount of monthly wages purported to have been paid the men.

The movements of the schooner being suspicious, and her cargo (salt) contraband, I have thought best to hold her, for further instructions from yourself.

Acting Master's Mates H. B. Nickerson and George Knowlton, Acting Ensigns David A. Gleny, Samuel H. Mead and Edward A. Small, ordered to the United States steamers Cambridge and Mount Vernon, reported to me this morning. Both of these vessels have gone north for repairs; hence I have thought best to direct their return to Hampton Roads, and report themselves to you.

Very respectfully, your obedient servant,

JOSEPH E. DEHAVEN,

Lieutenant Com'dg U. S. N.

Acting Rear-Admiral S. P. LEE,

Com'dg N. A. B. Squadron, U. S. S. Philadelphia,

Hampton Roads.

B.

UNITED STATES FLAG-STEAMER PHILADELPHIA,
Hampton Roads, December 26, 1862.

SIR: Your report of the 14th instant, regarding the seizure of the Golden Eagle, and enclosing some information elicited from her crew, by an examination, has been received.

There is not, I think, evidence given in your letters and its enclosures, sufficient for the condemnation of the Golden Eagle, and unless you know of additional proof, enough to condemn her, which would justify sending her in for adjudication, it would be well to release her.

Respectfully, yours,

S. P. LEE,

A. R. Admiral, Com'dg N. A. B. Squadron.

Lieut. Com. J. E. DEHAVEN, U. S. N.,

Com'dg U. S. S. Penobscot, off Wilmington, N. C.

C.

NEW YORK, *March 2, 1863.*

SIR: Your communication of the 19th ultimo, accompanied with a copy of a letter from Captain Jno. Mackenzie, claiming compensation for seizure and detention of the schooner Golden Eagle, also for property pillaged while detained, was received yesterday.

In my report of the 14th of December last I made known the circumstances under which it was deemed necessary to detain that vessel, and, in compliance with your instructions of 26th of same month, released her.

The claim for property pillaged I have no knowledge of, there having been no complaint made to me, on the part of Captain Mackenzie or his crew, of

that character; therefore, I must conclude that the accusation made is altogether without foundation.

The movements of the schooner at the time of her seizure were suspicious, showing a desire to evade the blockading vessels on the coast of North Carolina, by standing to the south and east, when the wind was fair, for vessels bound for the port of North Carolina, and distant from that port about twenty miles.

I will, at the earliest moment, forward instructions to the officer who was placed in charge of the schooner, Acting Ensign S. K. Luce, to report in full regarding the matter.

Very respectfully, your obedient servant,

JOS. E. DEHAVEN,

Lieut. Com. U. S. N., Com'dg U. S. Steamer Penobscot.

Acting Rear-Admiral S. P. LEE,

Com'dg N. A. B. Squad., Hampton Roads, Va., Flag-Ship Minnesota.

Information elicited from examination of crew of English schooner Golden Eagle.

Arthur Baine, cook: Says he is a native of Nassau; shipped on board schooner Golden Eagle, to make the passage to Beaufort, North Carolina. His wages were to be \$25 per month, which was more than the current price for such vessels; have been on the coast twelve days; had several days fair wind, if bound for Beaufort, which we did not avail ourselves of; were in seven or eight fathoms last evening; believes the vessel was intended to run the blockade.

John Davis, mate: Born in Milford, England; shipped in Nassau, for \$40 per month, to go to Beaufort, North Carolina, in schooner Golden Eagle. Have never seen land on this coast; has no idea the captain intended to run the blockade; saw an American frigate, day before yesterday; tacked and stood away from her. The usual wages on such a voyage is \$25 per month; does not know why he was paid more; does not know why he is down on shipping articles for only \$25 per month.

John Mackenzie, captain: Lives in Liverpool; shipped at Nassau to take schooner Golden Eagle into Beaufort, North Carolina. Has been on the coast two days; struck soundings yesterday, for first time. Has had light wind since leaving Nassau. The Golden Eagle is owned by Sawyer & Menendez, of Nassau.

Zacharias Murray: Shipped in Nassau, for Beaufort, North Carolina; wages to be \$25 per month; \$15 advanced by owners, the balance to be paid after getting to sea, which has not been done. Was told when shipped that the vessel was bound to Beaufort, North Carolina. Have not anchored on this coast. The usual wages of seamen, out of Nassau, is \$14 or \$15; on vessels intended to run the blockade, \$25 per month.

Michael Colman, seaman: Shipped for \$25 per month, to go to Beaufort, North Carolina. The captain promised me not to attempt to run the blockade. I received no advance. The usual coasting wages are about \$15.

John Fernando, seaman: Lives in Nassau; shipped in Nassau, to go to Beaufort, for \$25 per month; left Nassau three weeks ago to-day; night before last, saw a frigate, but she did not speak us. Thinks from the actions of the Golden Eagle that she intended to run the blockade. The usual price paid seamen to run the blockade is from \$25 to \$50. For trips to New York, men only get from \$12 to \$16.

The Golden Eagle is owned by Mr. Menendez. He has lost several in attempting to run the blockade, two of which were the Racer and British Queen.

JOHN MACKENZIE.

UNITED STATES GUNBOAT PENOBSCOT,
Off Wilmington, N. C., May 4, 1863.

SIR: I herewith enclose to the department a communication, marked No. 1, from Acting Ensign S. K. Luce, referring to the claim of the master of the prize schooner Golden Eagle.

Very respectfully, your obedient servant,

JOSEPH E. DEHAVEN,
Lieutenant Commanding.

Hon. GIDEON WELLES,
Secretary of the Navy, &c., &c.

Respectfully forwarded.

H. LUDLOW CASE,
Captain and Senior Officer present.

Forwarded in further explanation of the complaints sent by the British minister to the Secretary of State, and received by me in the department's communication of February 10, 1863.

ACTING REAR-ADMIRAL.

No. 1.]

UNITED STATES STEAMER CAMBRIDGE,
Charlestown Navy Yard, April 14, 1863.

SIR: This evening I had the honor to receive a letter from you in relation to the prize schooner Golden Eagle; also, the letter from the captain of the schooner. Sir, the statement of the captain is false. The day we arrived in the harbor of Beaufort, the schooner's crew were allowed to come on board from the Penobscot, after a change of clothing. The mate, after looking in his bag, said that he had six dollars stolen from it; and one of the men, also, complained of losing a small amount. I at once sent information of it to the executive officer of the Penobscot, Mr. Jacks. He at once sent the master-at-arms on board, and all of my men were searched, in my presence, and nothing was found on them. A day or two after this, the captain, mate and crew of the schooner were sent on board of the schooner to remain. After looking around, he said that one barrel of potatoes and some of his hams were missing. While on board, I had two of his hams, a few pounds of meat, and one barrel of potatoes cooked, as we brought no provisions with us from the Penobscot. As regards the oranges, they were lying in a berth in the cabin. I had them picked over, and two buckets of them were thrown overboard, as they were rotten; the remainder (two barrels) I set on the cabin floor and covered them over with bags of salt. The next day I was relieved from my charge, by Acting Master's Mate Gideon Smith, of the Penobscot, as I was at the time suffering from an attack of the chronic diarrhoea. I then returned on board of the Penobscot, and know nothing of what happened afterwards.

This, sir, is a true statement of the case. You write that you sent a letter in regard to this last month. I did not receive the letter, sir, and knew nothing of this until this evening.

I am, most respectfully, your obedient servant,

Acting Ensign SHUBAEL K. LUCE.

Lieutenant Commander J. E. DEHAVEN,
United States Steamer Penobscot, &c.

P. S.—SIR: The day I was relieved from the charge of schooner Golden Eagle, provisions were sent on board, from the Penobscot, for the use of the prize crew.

Respectfully, your obedient servant,

SHUBAEL K. LUCE,
Acting Ensign.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 8, 1863.

MY LORD: Your lordship's note of the 5th instant, in regard to a claim of Mr. Henry E. Green, as a British subject, for damages resulting from the alleged destruction of his property at Napoleon, in the State of Arkansas, by the military forces of the United States, has been received.

It is hardly necessary to say, that the military operations of the government, carried on upon so extensive a scale during the present insurrection, are frequently giving rise to claims of this kind, as well not only by resident foreigners as by citizens of the United States. At the same time, as the necessity for these operations was unforeseen, Congress has not heretofore provided any funds for indemnities in such cases, or authorized any department of the government to examine and determine upon the justice or the validity of claims. It has been customary for Congress, on similar occasions which have heretofore occurred, to make such provision when the necessity for it has been fully developed. This is believed to be also the general practice of other nations, which have been mindful of the right of parties innocently aggrieved in the prosecution of war. I have brought the subject to the consideration of the President, and I am now authorized to inform your lordship that, fully appreciating the importance of the discharge of all just claims of the character indicated with as much promptness as possible, the President will at the next session of Congress call the attention of that body to the subject, with a view to the establishment of some general system which shall be adequate to the emergency.

I have the honor to be, with the highest consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 9, 1863.

MY LORD: On the second instant there was received at this department a despatch from Seth C. Hawley, esquire, United States consul at Nassau, containing a narrative and papers touching transactions which occurred on the occasion of a recent visit of the United States war steamer Rhode Island. These papers were committed by me to the honorable the Secretary of the Navy for his information. In remitting them to this department, the Secretary remarked that he thought it desirable that the despatch, or that part of it which relates to the deportment of Governor Bayley towards Commander Trenchard, should be brought to the notice of her Majesty's government, in order that it might be made acquainted with the supposed sympathies of the colonial authorities of that island with the insurgent enemies of the United States. The Secretary of the Navy added, that at his department they know the true character of the Simms, and that although coming from an English port, and under

British colors, and seeking refuge within the maritime jurisdiction of a British colony, she was carrying supplies to the insurgents. He thinks also that it cannot be doubted that Governor Bayley also knew this to be the true character of the vessel, and that his desire to protect her was the cause of his taking the course at first, from which he afterwards receded.

On the other hand, that recession certainly leaves no actual ground of complaint, and none is therefore made. But, in compliance with the suggestion of the Secretary of the Navy, I put the papers in your lordship's hands with the view that, if you should think it useful in the interest of harmony between the two countries to bring the supposed partiality of Governor Bayley to the notice of your government, you may have the means of doing so.

I have the honor to be with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Hawley to Mr. Seward.

[Extract.]

No. 30.]

UNITED STATES CONSULATE, NASSAU, N. P.

May 30, 1863.

SIR: I have the honor to repeat that, on the 27th instant, I received a note from the colonial secretary, a copy of which is enclosed, marked No. 1. I have replied to it, a copy of which is enclosed, marked No. 2.

I have forwarded a copy of the governor's note to Rear-Admiral Wilkes, and shall avail myself of the first opportunity to send one to Commander Trenchard.

I beg leave to add, that this communication, with the notes from the governor, in relation to the visits of the Rhode Island and Chippeway to this port, of which I advised your department in despatches Nos. 28 and 29, indicate, in my opinion, that he is seeking pretexts for prohibiting altogether visits of our men-of-war to the port of Nassau. I am so deeply impressed with this view, that I would be pleased to have instructions what reply to make, and what to do, in case the governor should give me notice of that character. I think he has been pressed to take such a step by those in interest and sympathy with the rebellion.

* * * * *

I have the honor to remain, sir, very respectfully, yours,

S. C. HAWLEY,

United States Consul, Nassau, N. P.

Hon. WM. H. SEWARD,

Secretary of State, &c.

Mr. Nesbitt to Mr. Hawley.

[Enclosure No. 1.]

COLONIAL SECRETARY'S OFFICE,

Nassau, May 27, 1863.

SIR: The resident justice at Inagua having reported that the United States vessel-of-war Rhode Island, Commander Trenchard, without previously communicating with the authorities of Inagua, entered Mathewtown roadstead and anchored at about 11 a. m. of the 16th instant, the governor has directed me

to communicate the same to you, and to express his excellency's great regret at this marked discourtesy on the part of an officer who perfectly well knew the tenor of the Queen's proclamation.

His excellency desires me to add, that if the very reasonable terms of that proclamation are not adhered to, it will be his very unpleasant duty, and one which his excellency will perform with very great regret, to warn off all United States vessels-of-war from the ports of the colony.

I have the honor to be, sir, your obedient servant,

C. B. NESBITT, *Colonial Secretary.*

Mr. Hawley to Mr. Nesbitt.

[Enclosure No. 2.]

UNITED STATES CONSULATE, NASSAU, N. P.,

May 27, 1863.

SIR: I have the honor to acknowledge the receipt of your note of this date, in which you are pleased to state that "the resident justice at Inagua having reported that the United States vessel-of-war Rhode Island, Commander Trenchard, without previously communicating with the authorities at Inagua, entered Mathewtown roadstead and anchored about 11 a. m. of the 16th instant." You further state that "the governor had desired me (you) to communicate with you (me) and to express his excellency's great regret at this marked discourtesy on the part of an officer who perfectly well knew the tenor of the Queen's proclamation."

You further state that "his excellency desires me (you) to add, that if the very reasonable terms of that proclamation are not adhered to, it will be his unpleasant duty, and one which his excellency will perform with very great reluctance, to warn off all United States vessels-of-war from the ports of the colony."

Will you do me the favor to inform his excellency that I shall forthwith lay before the United States government the information and notice received as above, and that the government will unquestionably give it due attention; and further, that I shall avail myself of the earliest means of advising Rear-Admiral Wilkes of the matter.

I trust that the governor will not see in the act of Commander Trenchard any designed discourtesy towards himself, or disregard of the authority of her Majesty the Queen, as I am confident none was intended.

It will be observed that the text of the proclamation is as follows: "No ships-of-war, or privateers, belonging to either of the belligerents, shall be permitted to enter," &c., &c., "except by special leave of the governor of the Bahama islands, or in case of stress of weather." The special leave of the *governor only* is mentioned; no other or minor officer or authority can be intended from the language of the proclamation.

It seems to me that it cannot create surprise that Commander Trenchard did not understand that it was proper to apply to a subordinate magistrate of Inagua to exercise a power conferred upon his excellency only. I am confident that if he had supposed it proper to make such an application to any officer at Mathewtown, he would have made it.

I observe, of course, that your note assumes that "the authorities of Inagua should have been previously applied to." But to avoid all future mistakes and to enable me to advise our cruisers, I beg to be informed whether his excellency intends that the local officers of the out-islands shall exercise the power in question; and if so, what officer or officers it will be proper to apply to in the several localities.

I wish, when transmitting to my government the charges against Commander Trenchard, to send with it the particular facts upon which the charge is founded, as set forth in the resident justice's report. I hope it will be proper to furnish me with a copy for this purpose.

Be pleased to assure his excellency that I regret any and every circumstance that can properly tend to disturb the friendly relations which ought to continue between England and the United States, and that my best endeavors may be relied on to prevent or cure any irregularity or wrong which may tend to disturb them.

I remain, very respectfully, your obedient servant,

S. C. HAWLEY,

United States Consul, Nassau, N. P.

C. R. NESBITT, Esq.,

Colonial Secretary, Nassau, N. P.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 10, 1863.*

SIR: In a note dated the 10th ultimo, I reminded you that I had submitted to you an affidavit made by Mr. J. M. Vernon, to the effect that he was a native-born British subject, and that he had never been naturalized in this or any other country; and I asked that I may be made acquainted with the grounds upon which the judge advocate founded the opinion that he was not a British subject.

No information on this point has been communicated to me by you, but I have received, this morning, a letter from Mr. Vernon, in which he repeats his assertion that he is a British subject, and points out that the opinion as to his nationality, expressed by the advocate general, is equivalent to a charge that he has wilfully committed the grave and heinous crime of perjury. Mr. Vernon protests against being held guilty of this crime, and insists that an investigation may be made, and that he may be confronted with his accusers. He also solemnly protests against being exchanged, and declares that if he is sent through the lines to the south, it must be by force.

For my own part, I am bound to consider Mr. Vernon's affidavit as prima facie evidence that he is a British subject so long as no proof to the contrary is produced, and I therefore feel it to be my duty to communicate his protests to you, to remind you that he has been more than four months in prison, and to repeat my request, that if there be evidence that he has committed some offence justifying the arraignment of a British subject in the United States, he may, without delay, be brought to trial; or if no such evidence be forthcoming, that he may be at once set at liberty.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 11, 1863.

MY LORD: I have the honor of acknowledging the receipt of your note of yesterday in relation to the case of J. M. Vernon. Your lordship judges rightly, that you are bound to consider that person a British subject on the grounds of

a written deposition which he has made claiming that character. I cannot doubt, however, that your lordship will admit that a British subject may, when domiciled in the United States, compromise himself in a civil war so as to subject him to necessary legal and military restraints which could not be properly imposed upon a foreigner who conducted himself inoffensively towards the government of the United States. Foreigners who have never cast off their native allegiance are found acting as officers and soldiers in the insurrectionary forces as well as in the armies of the United States. Such foreigners have voluntarily waived the immunities which belong to the character of peaceful, law-abiding aliens. I have the honor to place in your hands documents which will show your lordship: First, that J. M. Vernon has been for an indefinite period dwelling in and exercising the privilege of a citizen of the United States entirely inconsistent with the idea of any conscious reservation of allegiance to the government of Great Britain. Secondly, that he has been an active partisan and abettor of the present insurrection, with the expressed design to effect the separation of certain States of this country from the American Union and the destruction of their independence as a sovereign nation, of which he declares himself in advance a member. Thirdly, that he is a contractor with the insurgent rebels of the United States, by contract made, not abroad but within the United States, to furnish their rebels with supplies for the overthrow of this government, and that when he fell into the hands of the naval forces of the United States he was found with those contracts upon his person, and was actually engaged in the performance of the treasonable obligations contained in the contracts. Fourthly, that to all practical purposes he long ago abandoned his native allegiance, took up his residence among and cast his fortunes with the insurgents of the United States, and that his present pretence of allegiance to Great Britain to escape the consequences of that crime, and to regain the ability to carry out his aforementioned treasonable designs against the United States, is a fraud against your country as well as against my own.

The first of these papers is a copy of a letter from W. B. Carlisle, directed to the Press of Nassau, dated January 14, 1863. The second is a copy of a letter written by the same Carlisle, dated January 17, 1863, and addressed to Edwin De Leon, or any South Carolinian; said De Leon being a well known and notorious public agent of the insurgents. The third paper is a copy of a letter which was written by Vernon himself, dated April 7, 1862, addressed to G. W. Randolph, in which Vernon asks employment by Randolph as a pretended head of a department in the insurrectionary administration at Richmond, and bases his claims thereto on a letter from the pretended president of that treasonable administration. In this letter he places himself upon ground which repels the idea of his owing allegiance to Great Britain.

A.—Memorandum of an agreement entered into November 14, 1862, between George W. Randolph, pretended secretary of state of the insurgent administration, and Vernon & Co., for the furnishing of military stores and munitions to the insurgents.

B.—List of articles wanted by the so-called ordnance department.

C.—List of articles wanted by the so-called medical department.

D.—List of supplies wanted by the so-called quartermaster's department.

E.—Letter signed "J. Gorgas, colonel and chief of ordnance," enumerating laboratory stores to be imported under the above-named contract.

F.—Letter addressed to "H. K. Mallory, insurrectionary secretary of navy," dated December 15, 1862, not signed, proposing to furnish steam engines and iron-clad ships.

G.—Letter addressed "Captain P. C. Headington, so-called quartermaster, General Price's insurgent army, &c.," proposing to supply shoes and clothing for that army.

H.—Letter addressed Messrs. J. M. Vernon and J. D. James, present, (Rich-

mond,) dated October 3, 1862, signed George W. Randolph, secretary of war, stating terms of payment for such supplies as may be required.

I.—Vernon & James to G. W. Randolph, October 4, 1862, same subject.

K.—Vernon, James & Co. to G. W. Randolph, October 3, 1862, same subject.

L.—Account of H. T. Pate against J. M. Vernon.

M.—J. R. Powell, Montgomery, December 2, 1862, to J. M. Vernon, respecting price of cotton.

N.—H. L. P. McCormick, Charleston, December 2, 1862, in reply to a letter, offers for sale the steamer General Clinch for forty thousand dollars, addressed to J. M. Vernon.

O.—Allen & Sprague, Columbia, December 27, 1862, to J. M. Vernon, on contracts and cotton.

P.—George P. Bennett, Rome, Georgia, November 2, 1862, to J. M. Vernon, as to partnership in business.

Q.—Israel Putnam to Mr. Vernon, dated Griffin, Georgia, December 9, 1862, declining to enter into partnership.

R.—J. M. Vernon & Co. to George W. Randolph, insurrectionary secretary of state, November 12, 1862, as to loading the steamer Water Witch to run out from Charleston.

R.—Octavius Cohen & Co., Savannah, December 8, 1862, to J. M. Vernon, answering inquiry as to price of cotton.

S.—Rees & Linton, Augusta, December 3, 1862, to J. M. Vernon, answering inquiries as to purchase of cotton.

T.—Executive department, Montgomery, Alabama, December 22, 1862. John B. Taylor, private secretary, to Mr. Vernon, reply to inquiries as to importation of cotton and wool cards; governor has entered into arrangements for all needed.

U.—J. M. Vernon to Reese & Linton, dated Augusta, December 29, 1862, as to shipment of cotton by the Tropic to run out from Charleston.

V.—From J. M. Vernon, Charleston, November 20, 1862, without address, as to importation of railroad supplies, machinery, &c.

W.—J. M. Vernon, Charleston, January 10, 1862, addressed "Colonel A. R. Chisolm," terms of shipment of cotton to Nassau.

X.—McDaniel & Isley, Lynchburg, October 15, 1862, to J. M. Vernon, care of Messrs. Brown, Fleming & Co., Atlanta, informing him of a purchase and shipment of one hundred barrels of flour for him.

Ya.—George P. Bennett, Atlanta, October 27, 1862, to J. M. Vernon, as to a proposed partnership between them.

Yb.—Allen & Sprague, Columbia, December 31, 1862, to J. M. Vernon, "getting the government to terms," &c.

Yc.—Thomas Steers, Atlanta, November 3, 1862, to J. M. Vernon, as to indemnification for flour, seized by insurgent authorities.

Yd.—Form of agreement between J. M. Vernon and ———, owners and agents of steamers Huntress and A. R. Chisolm, to ship cotton from Charleston to Nassau and return shipment.

Letter signed "John," evidently in Vernon's handwriting, dated New Orleans, January 25, 1862, addressed Dear Jennie, respecting direct trade, &c.

Letter from J. M. Vernon, of Vernon & Co., addressed "Hon. J. A. Seddon, (insurgent) secretary of war," dated Richmond, December 15, 1862, as to the proposed transfer of the steamer General Clinch to Vernon & Co.; her purchase by insurgent government; proposed plan for importing steel, iron, copper, zinc, ordnance, and munitions of war, &c., for the insurgents.

All these papers were found upon the person of J. M. Vernon when he became a prisoner of the United States.

Upon carefully examining these papers I have, with the approval of the President, come to the conclusion that J. M. Vernon's affidavit insufficient to

establish his claim to be a British subject ; and, secondly, that if it were sufficient, yet that, under the circumstances, J. M. Vernon is not entitled to protection by the British government so far as to deprive this government of its right to subject him to restraint and confinement during the war, or to exchange him in a cartel as a prisoner of war, as the public safety and welfare may require.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 13, 1863.

SIR: With reference to your note of the 4th April last, and to my answer, dated the 7th of the same month, I have the honor to transmit to you copies of a despatch from the governor of the Bahamas islands, and its enclosure, respecting the circumstances under which the ship Hanover, of Boston, visited Long cay.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Governor Bayley to Lord Lyons.

GOVERNMENT HOUSE,
Nassau, Bahamas, June 6, 1863.

MY LORD: In reply to your lordship's despatch of April 30, I transmit a report received from Mr. John Burnside, resident magistrate of Inagua, (which I am obliged to transmit in original, because I have no time to have it copied, and should feel obliged to your lordship to have it returned,) respecting the circumstances under which the Hanover appeared at Long (not Levy) cay.

Whatever her character, or whoever the ostensible master may have been, I am convinced that no suspicions of either were entertained by any officials of this government, until it was too late to act on them.

I have directed further inquiries to be made.

I have, &c.,

C. BAYLEY, *Governor.*

LORD LYONS, &c., &c., &c.

Mr. Burnside to the Hon. Mr. Nesbitt.

MATHEWTOWN, Inagua, April 20, 1863.

SIR: This morning I received your letter of the 18th of March, covering Mr. Jackson's letter to his excellency the governor, relative to the Hanover.

As I happened to be at Long cay while the Hanover was there, I may, by stating what came under my own observation, furnish such information as is required without waiting for the inquiry which his excellency directs me to institute on my next visit to that island, which will be in the month of July.

I left Long cay to go the rounds of my district a few days previous to the arrival of the Hanover. On my return to Long cay, the Hanover was at anchor

on the south side of the island, and her cargo was being transferred to the schooner *Brothers*, owned by the Messrs. Farrington. I made inquiries regarding her, and I received the following information, which was the current report of the town, and in fact the person representing himself as the captain of the *Hanover* confirmed it. He told me that his vessel had been on shore at Little Inagua; that he had succeeded in getting her off without the assistance of the wreckers, but finding that she leaked badly, he determined to take her to Mathewtown; that there he met this schooner *Brothers*, which vessel he knew to have been commanded by a friend and countryman, one Poithiers; that he immediately sent for Captain Poithiers, but that another person, representing himself as the captain, came and informed him of the death of Captain Poithiers. The then captain informed him that the *Brothers* was still owned by the Messrs. Farrington, of whom he had heard Captain Poithiers speak highly, and that they were still at Long cay. This determined him to proceed to Long cay. Fearing that he might require assistance on the way, he asked the *Brothers* to accompany him, and that after arriving at Long cay, he consigned to Mr. Richard Farrington. He reported to me that he was bound from Boston to a port on Cuba, or to seek a market, and with the proceeds of the sale of the cargo he was instructed to purchase a cargo of salt and run the blockade; that finding that the *Hanover* was not injured, he had determined to dispose of as much of his cargo at Long cay as would purchase a cargo and pay expenses, and that the balance he intended to ship to Nassau in the *Brothers*. I expressed surprise that a Boston firm would engage in an illicit trade with the south, and he replied that there were many southerners at heart in Boston.

I had my doubts as to the vessel having been on shore at Inagua, and I mentioned my doubts to Mr. Farrington. I told him that I was under the impression that in the cargo there might be articles contraband of war, and that the reported disaster was but a ruse to prevent the Boston merchant being tracked in Nassau in his illicit trade with the south; but I found out afterwards, on inquiry from the acting tidewaiter, that the cargo was really one of provisions.

Mr. Farrington admitted that he also doubted whether the *Hanover* had been on shore, but inasmuch as the captain came to him properly documented, he did not see any impropriety in his acting as the captain's agent, and that he was not aware of any illegality in the matter. And I must here add that I am under the impression that up to that moment Mr. Farrington was as ignorant of the real facts of the case as I was. It must be remembered that the captain was a perfect stranger; that the register and articles of the *Hanover* were produced, I believe, at the collector's office, but I know that he had the ship's clearance, the bills of lading, and even the certificate from the custom-house in Boston that the captain had taken the oath of fidelity to the Union. He represented himself as Captain Case, and signed all documents as Washington Case, the name of the captain, as appearing on the documents. As soon as the *Brothers* was loaded, this person left in her for Nassau, but I have been since informed that he only went as far as Rum cay, where he was taken off by the *Retribution*.

The *Hanover* remained a day or two, after the *Brothers* had left, at Long cay, under the charge of the former mate, taking in a cargo of salt; and it was only about half an hour previous to her departure that I—and I am under the impression Mr. Farrington also—had the slightest misgiving that the person who had represented himself as the captain of the *Hanover* was not Washington Case. One of the sailors of the *Hanover*, under the influence of liquor, referred to the supposed captain in the collector's presence by some other name. I was with Mr. Farrington when the collector mentioned the circumstance; reference was immediately made to the document, and the difference in the signatures confirmed what the collector had heard. The supposed Captain Case had then

left in the Brothers, and no action could have been taken, even if I had been armed with power; but even then we were under the impression that the name had been assumed in the custom-house in Boston by some other person to facilitate Captain Case's leaving Boston, supposing him to have been a suspicious person; and it was only after I left Long cay, on my way to Inagua, that we met a vessel from Inagua, and I received a letter from Mr. Sargent informing me that he was under the impression that the Hanover was a prize to the Retribution.

These are the facts of the case, so far as came to my knowledge.

Since I have been made aware that the Hanover was a captured vessel, I have wondered why the real Captain Case had allowed the whole of the papers of his vessel to fall into the captor's hands, particularly his certificate of allegiance. That surely might have been removed from the ship's papers, if not destroyed.

I have also been informed, and I believe correctly, that the cargo of the Hanover was found to be not such as was manifested in the bills of lading. For instance, barrels said to contain pork contained fish. Messrs. G. Regnourds & Co. purchased the cargo, and may, if necessary, be enabled to state whether such was the case. I have also been informed that the Hanover was insured against war risks.

I have heard from Long cay that the Retribution, subsequent to the affair of the Hanover, captured an American brig in the neighborhood of Castle island, the Emily Fisher, with a cargo of sugar; that the commander of the Retribution ordered her to be run on shore near Long cay; and that subsequently she was extricated from danger by the wreckers, who carried her to Long cay, where salvage was awarded to the wreckers, and a portion of the cargo sold to pay the salvage and expenses; and the Emily Fisher then proceeded with the balance of her cargo to New York.

On the latter occasion the Retribution did call at Long cay, and some of her officers had communication with Mr. Richard Farrington, and at that time the supposed Washington Case was seen on board of the Retribution, but I do not know in what capacity.

This is all the information I can give, and I desire to be informed whether I shall make further inquiries when I visit Long cay.

I have, &c., &c.,

T. B. BURNSIDE.

Hon. C. R. NESBITT.

P. S.—I return Mr. Jackson's letter.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 15, 1863.

MY LORD: I have the honor to communicate, for your information, the translation of a despatch which Edward Count Piper, minister resident of Sweden, recently submitted to me, in which his government has expressed a solicitude that any infringements on the law of nations might be carefully avoided by the armed ships of the United States which may have occasion to visit the Danish ports in the West Indies, with a copy of my reply, and of the accompaniments to which it refers.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 16, 1863.

MY LORD: I have the honor to enclose to you an extract from a despatch of the 30th ultimo, addressed to this department by the consul of the United States at Nassau, New Providence, with a copy of the correspondence therein referred to, between the colonial secretary and himself, relative to Commander Trenchard's anchoring of the gunboat Rhode Island in Matthewtown roadstead without previously communicating with the authorities of Inagua on the subject.

I have the honor to request that you will be so good as to inform me whether communication of a desire to anchor is required to be made to minor officers of ports in the Bahamas, and I trust you will have it duly considered whether the governor general shall execute his threat of ordering ships-of-war off the ports of the colony. It would be very inconsistent with the natural courtesies prescribed by both governments.

I have the honor to be, with high consideration, your lordship's obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c.

Mr. Hawley to Mr. Seward.

[Extract.]

No. 28.]

UNITED STATES CONSULATE,
Nassau, New Providence, May 16, 1863.

SIR: I have the honor to report that on the morning of the 12th instant, at about 8 o'clock, an American steamship-of-war appeared to the east-northeast of this port, in chase of a steamer carrying English colors. The chase continued from the time they hove in sight, the ship-of-war firing shell after the steamer until within about four miles from land, when the chase ceased. The English steamer ran into land at Salt cay, some three or four miles to the eastward of this port. The war steamer stood in for the entrance of this harbor, displaying a signal for a pilot. She proved to be the Rhode Island, S. D. Trenchard, commander. A pilot ran out to her, but stated that he could not board her until she had leave from the governor to anchor off the port.

While the Rhode Island was approaching, I received at my office from his excellency C. J. Bailey, governor of the Bahamas, a note, which I enclose a copy, marked No. 1. I immediately replied thereto, a copy of which is enclosed, marked No. 2. The Rhode Island arrived at the anchorage outside the harbor. A boat was despatched with an officer, who came to the consular office. At the request of Commander Trenchard, through the officer, I transmitted to his excellency the governor a note, a copy of which I herewith enclose, marked No. 3. The governor replied immediately; I enclose a copy, marked No. 4. I immediately went on board the Rhode Island, and communicated to Commander Trenchard, (notes 3 and 4,) whereupon a salute was fired by the Rhode Island, and responded to in due form.

Commander Trenchard then came ashore, and paid his personal respects to the governor. On my introducing him to the governor, he informed his excellency that "he had landed for the purpose of paying him an official visit, and that his orders required him to proceed on his voyage, waiting only to make this call, and, with his excellency's permission, to procure some fresh milk for a sick seaman."

The governor replied that it would be (or had become) his duty to detain him longer. The commander said, in reply, "What do I understand your excellency to suggest?" He then said, "I must put an embargo on you (or on your ship) for twenty-four hours." The commander said quietly, but firmly, "I touched at your port with despatches for the American consul; I asked and had your permission to anchor for a few hours; my orders require me to proceed on my voyage at the earliest hour; I cannot entertain the idea of any delay whatever."

I stated to the governor that "in asking leave to anchor I informed him that the intention was to remain but a few hours, and that if any attempt was made to detain the ship I should have been seriously misled by his granting leave without notice of this condition; that the position was one of gravity, and if he seriously thought of taking the course suggested, I claimed to know the grounds on which such an exercise of power could be predicated." He replied that he was "acting in obedience to the Queen's proclamation of March 11, 1862; that since he granted me leave to anchor, he had been informed by the colonial secretary that there was a confederate vessel in port, and therefore it became his duty to detain the Rhode Island as he had suggested." I asked to know the date on which it was assumed that there was a confederate vessel in port, and whether it was claimed to be a public or a private vessel. He replied "that he had no knowledge on the subject."

The commander requested the governor, "in view of the grave consequences which must result from the contemplated proceeding, to recur to the Queen's proclamation before deciding that his power to detain a United States ship-of-war was applicable to the case of the Rhode Island."

On examining the proclamation, it was apparent that its provisions did not apply to the Rhode Island, no confederate vessel having left the port within the preceding twenty-four hours.

Whereupon his excellency was understood to recede from his position, and the commander took leave, and weighed anchor and put to sea about 6 p. m.

* * * * *

I have the honor to remain, sir, very respectfully, your obedient servant,

S. C. HAWLEY,

United States Consul, Nassau, N. P.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Bayley to Mr. Hawley.

[Enclosure No. 1.]

Private.]

GOVERNMENT HOUSE, *May 12.*

MY DEAR SIR: In order to prevent any misunderstanding, or the possibility of even unintentional hostilities, I do not wait to write you officially, but I at once write privately, to remind you that Admiral Wilkes cannot anchor either in the roadstead or the harbor without my permission; but that permission will be readily granted, when asked, subject to the conditions of the Queen's proclamation of 11th March, 1862, which was duly sent to your consulate.

Neither, consistent with comity, can the Vanderbilt stand off and on the port, in a menacing manner. If she does so, I shall hand over the matter to the discretion of the senior naval officer on this station.

I hope I may reckon on your good offices to assist in preventing what might be a very momentous misunderstanding.

I lose no time in writing this unofficially. The chase of this morning was, I presume, out of the three-mile limit; if so, there is, of course, nothing to say

against it. But a foreign man-of-war, standing off and on the port at the line of limit, is a hostile proceeding.

Believe me, dear sir, yours truly,

C. J. BAYLEY.

S. C. HAWLEY, Esq.,
United States Consul.

Mr. Hawley to Mr. Bayley

[Enclosure No. 2.]

U. S. CONSULATE,
Nassau, N. P., May 12, 1863.

MY DEAR SIR: I am impressed with the kind intentions evinced in your note of this morning. I know nothing of the circumstances of the chase of this morning, but assume that it was justified, and ceased outside of the three-mile line.

I have no doubt the commander approaches the port for the purpose of making a proper communication in relation to the vessel that has taken refuge in your waters and jurisdiction.

The ship is not the Vanderbilt; what it is I do not know. If the commander is advised of the necessity, he will, no doubt, ask permission to anchor. I have no time or means to communicate with him to prevent his doing so inadvertently.

Of course the ship will not stand off and on opposite your port, except so long as is necessary to get leave to anchor.

You may rely on me to do all in my power to maintain amicable relations, and to prevent the least infringement of the rules of law and comity.

Will you oblige me with a copy of her Majesty's proclamation of March 11, 1862, as the copy furnished this consulate could not be found when I took possession of the office.

Yours, very respectfully,

S. C. HAWLEY,
United States Consul, Nassau, N. P.

His Excellency C. J. BAYLEY,
Governor of the Bahamas.

Mr. Hawley to Mr. Bayley.

[Enclosure No. 3.]

U. S. CONSULATE,
Nassau, N. P., May 12, 1863.

SIR: The United States man-of-war Rhode Island is off your port. The commander, S. D. Trenchard, desires me to request permission to cast anchor, as he wishes to remain a few hours. The commander presents his requests, and would be happy to exchange salutes, and pay his respects to you in the customary manner.

I have the honor to remain, very respectfully, your obedient servant,

S. C. HAWLEY,
United States Consul, Nassau, N. P.

His Excellency C. J. BAYLEY,
Governor of the Bahamas.

Reply to Mr Hawley.

[Enclosure No. 4.]

GOVERNMENT HOUSE,
Nassau, N. P., May 12, 1863.

SIR: I am desired by his excellency the governor to acknowledge the receipt of your letter of this day's date. His excellency desires me to say that he is engaged with the executive council, and is unable to reply personally, but has much pleasure in complying with your request. The customary salutes will be exchanged.

I have the honor to be, sir, your most obedient servant,

A. ROGER,
*Lieutenant, Private Secretary.*S. C. HAWLEY, Esq.,
*U. S. Consul.**Commander Trenchard to Mr. Hawley.*

[Enclosure No. 5.]

U. S. STEAMER RHODE ISLAND,
Nassau, N. P., May 12, 1863.

SIR: I have the honor to submit herewith the statement of facts in relation to our firing into an English vessel this morning, 12th instant.

While running in for this port, and when from ten to twelve miles E.N.E. of Cochran's anchorage, we made the black smoke of a steamer, about eight miles to the northward and eastward of us. Supposing she was a blockade-runner, a vessel of highly suspicious character, we changed our course and stood so as to cut her off. The chase fired up and increased her speed, and perceiving that we were gaining upon her, and discovering our intention to cut her off, ran in for the shore, hoisting English colors, and we our own ensign. We then fired a blank cartridge for the purpose of bringing her to, but she still retaining her speed, we fired a shell ahead of her, and she still keeping on, we kept up a brisk fire from our long range rifled guns—the stranger being now from two to two and a half miles from the Rhode Island, and from 8 to 10 miles from the shore. The chase still continued standing in for the land, and when within four to four and a half miles distant from it, in order to prevent a violation of neutrality, we discontinued the firing, still hoping that we might be able to cut her off before running ashore, as that appeared to be the last resort of her commander, and soon after she came to anchor at Salt cay entrance. The Rhode Island terminated the chase outside the three-mile line. I have since learned the steamer to be the *Sirius*, of Liverpool, which has entered your port.

I am, respectfully, your obedient servant,

STEPHEN D. TRENCHARD,
*Commander, U. S. Navy.*S. C. HAWLEY, Esq.,
*U. S. Consul, Nassau, N. P.**Mr. Seward to Lord Lyons.*DEPARTMENT OF STATE,
Washington, June 10, 1863.

MY LORD: With reference to the chasing and driving on shore, on the western coast of the island Eleuthera, in the Bahamas, of the steamer *Margaret* and

Jessie, by the United States gunboat Rhode Island, on the 30th of May last, I have the honor to state that Captain Trenchard, the commander of the Rhode Island, in writing of the matter to the United States consul at Nassau, says that he did not chase the Margaret and Jessie within British jurisdiction. If reports shall be made conflicting with this statement, I think they will prove to be erroneous, as Captain Trenchard has been distinguished for his caution and correct exercise of his authority. If, however, it shall appear that any act of hostility or of pursuit was committed within the maritime jurisdiction of Great Britain, the act will be disavowed, and ample redress will be promptly given.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Lord Lyons to Mr. Seward.

WASHINGTON, June 16, 1863.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, transmitting to me copies of a correspondence between yourself and the Danish minister at this court relative to the use made by the United States cruisers at the port of St. Thomas.

I observe in the letter from the governor of St. Thomas to Rear-Admiral Wilkes, which is appended to your note to the Danish minister, the following passage:

"I cannot but acknowledge and record your assurance that, in all these cases, you have made it a point not to infringe on our rights and the interests of this place, which require that no prosecution of outgoing vessels is immediately commenced from this harbor by any man-of-war."

The governor, immediately before the passage which I have quoted, mentions that Rear-Admiral Wilkes had given him explanations concerning the cases of the Dolphin, the Peterhoff, and some other vessels. As these explanations have not been communicated to me, I have no means of forming an opinion with regard to them.

It is, however, my duty to recall to your recollection the contents of the papers which I had the honor to submit to you, with my notes of the 3d and 8th of April last, relative to the case of the Peterhoff. It appears from those papers that the United States ship Vanderbilt, after having communicated, at the mouth of the harbor of St. Thomas, with the flag-ship of Rear-Admiral Wilkes, which was lying inside, went out to sea, and, within sight of the place, captured the Peterhoff, which had left the harbor the same day.

I deem it to be also my duty to remind you that it appears, from the papers which I had the honor to lay before you with my note of the 4th ultimo, that the United States ship Wachusett, being in the harbor of St. Thomas, slipped her cable at midnight, and followed the Dolphin to sea, captured her, and returned to the harbor on the following morning, with sixteen of the crew of the captured vessel on board.

No satisfactory explanation of these circumstances has been offered to me, nor has any assurance been given to me that orders have been issued to put a stop to such proceedings. I am therefore bound, in obedience to the orders of her Majesty's government, to address the government of the United States a fresh and more urgent remonstrance against the use made by its cruisers of the neutral port of St. Thomas.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 17, 1863.

SIR: I am informed by Mr. Hodge, the gentleman who had the honor to present to you a letter of introduction from me on the 22d. of April last, that he himself, as agent for the British colony of Honduras, and Mr. Dickson, as agent for the British colony of Guiana, have been authorized by the President to canvass for colored emigrants from the United States to those colonies.

Mr. Hodge has, in consequence, requested me to state to the colonial authorities that I see no objection to the governor of Honduras proclaiming the ports of Boston, New York, and Philadelphia as ports of emigration, in pursuance of the act to encourage the immigration of agricultural and other laborers, passed by the colonial legislature in the month of September last.

I submitted the act in question to you at a personal interview which I had with you some months ago. I have now the honor to enclose to you a copy of it.

I am ready to comply with Mr. Hodge's request, if it will be in harmony with the views of the government of the United States for me to do so. If you shall inform me that this will be the case, I purpose to write by the first opportunity to the colonial authorities to suggest that the three ports be proclaimed, and that the other steps required for putting the act of the legislature of Honduras into execution be taken.

I have the honor to transmit to you a copy of a paper which has been communicated to me by Mr. Hodge, and which appears to give the sanction of the President to the proceedings contemplated by that gentleman and by Mr. Dickson.

You will very much oblige me by making an early answer to the present communication, in order that I may not lose the opportunity of writing to the colonies, which is afforded by a vessel which is on the point of sailing.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD.

CAP. 1.

An act to encourage the immigration of agricultural and other laborers into the colony of British Honduras.

Whereas it is expedient to encourage immigration of agricultural and other laborers into the colony of British Honduras at the expense of private persons, and to secure to the importers thereof more certain indemnity or remuneration for their costs in introducing such immigrants than can be ordinarily derived on a contract for hiring and service for a period not exceeding one year:

Be it therefore enacted by the lieutenant governor, by and with the consent of the legislative assembly, as follows:

1. From and after the passing of this act it shall and may be lawful for any person to import into this colony laborers from any port or place whence the lieutenant governor may by proclamation notify that laborers may be obtained and imported: Provided, nevertheless, that the shipment, transport, and landing of such immigrants shall be in all respects subject and conformable to any "passenger's act" made by the Imperial Parliament, and for the time being in force, and to any proclamation made in pursuance thereof by the lieutenant governor.

2. Whenever the lieutenant governor may deem expedient, he may revoke

any proclamation authorizing the engagement and immigration of laborers as to any one or more ports or places; and thereupon, and until the engagement and importation of laborers from any such port or places shall be again authorized by proclamation, no contract with any laborer from any such port or place, engaged or exported after such revocation as aforesaid, shall be valid for any period exceeding one year, or be exempt from the provisions of any law in force, for the time being, for regulating contracts of hire and service.

3. Laborers imported into the colony under the provisions of this act, and the employers thereof, shall severally and respectively be subject to the provisions of any act, for the time being in force in this colony, for regulating contracts of hire and service, so far as the same are not repugnant to this act.

4. Notwithstanding anything in any act regulating contracts of hire and service contained to the contrary, valid contracts may be entered into for the service of laborers, imported under the provisions of this act, for any period not exceeding three years, to be computed from the date of the first contract entered into in the case of such laborers respectively.

5. No contract to be entered into out of this colony, under the provisions of this act, shall have any force or effect, unless the same be attested by the British consul, notary public, or other persons approved of by and acting under the authority of her Majesty's government at the port or place of engagement or embarkation, certifying that the same was entered into by the emigrant voluntarily, and with a full understanding of its meaning.

6. No contract for service by immigrants under this act shall be valid unless countersigned by the agent of immigration in this colony, or such other person as the lieutenant governor shall delegate the consideration and countersignature of such contracts to, and such agent shall be at liberty to refuse his countersignature, in case it appears to him that any fraud has been practiced, or that the contract is evidently unreasonable.

7. It shall not be necessary in any proceeding upon contract, under this act, to prove the signature or signing of the consul, notary public, or other person, acting under the authority of her Majesty's government, or of any immigrant.

8. In this act the word "person" shall include any body, politic or corporate, and the word "laborers" shall include all such persons as are comprised in the term "servants" in the act eighteenth of Victoria, chapter twelve.

Passed the house of assembly this 5th day of September, 1862.

AUSTIN WM. COX, *Speaker.*

Assented to in her Majesty's name this tenth day of September, 1862.

FREDERICK SEYMOUR,

Lieutenant Governor.

Bera copia extur.

[L. S.]

S. S. PLUES,

Keeper of Records.

ALEXANDER MOIR,

Acting Colonial Secretary.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 17, 1863.*

SIR: I have the honor to acknowledge the receipt of your note of yesterday, transmitting to me an extract from a despatch from the United States consul at Nassau, and copies of correspondence enclosed in it, relative to the anchoring of the gunboat Rhode Island in Mathewtown roadstead without any previous communication with the local authorities.

I will lose no time in directing the attention of her Majesty's government and of the governor of the Bahama islands to the contents of your note.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 17, 1863.

SIR: I had yesterday the honor to receive a note from you, dated the 9th instant, transmitting to me copies of a despatch from the United States consul at Nassau and its enclosures, relating to the circumstances which attended a recent visit of the United States war steamer Rhode Island to that port.

You are so good as to inform me that you place these papers in my hands with the view that, if I should think it useful, in the interest of harmony between the two countries, to bring the supposed partiality of Mr. Bayley, governor of the Bahama islands, to the notice of my government, I may have the means of doing so.

As you have communicated the papers to me, it will be my duty to lay them before her Majesty's government and before Governor Bayley. I deem it, however, to be right that I should guard myself against being supposed either to concur in the inferences drawn by the United States Secretary of the Navy and the United States consul at Nassau, or to be of opinion that representations of this nature are calculated to promote harmony between the officers of the two governments.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 17, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 13th instant, and enclosure, relative to the case of the Hanover.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 17, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 13th instant, transmitting a copy of a despatch from the governor of the Bahama islands, stating that, with reference to the reported fitting out of a vessel at Nassau, N. P., to cruise against the shipping of the United States, the result

of inquiries which he has made convinces him that no vessel is fitting out there for that purpose, and to thank you for your prompt attention to the matter.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 18, 1863.

MY LORD: I have the honor to communicate to your lordship a copy of a communication which has been received at this department from the Secretary of War, accompanied by a copy of a report of Brigadier General John Martindale, military governor of the District of Columbia, in which are set forth the particulars of an unfortunate and lamentable homicide which occurred at the Old Capitol prison, in this city, on the 25th day of May last. The sufferer was John Hardeastle, a prisoner of war, whom you have heretofore represented to me as a British subject.

In performing this duty, I have to say, for the information of her Majesty's government, that the President deeply regrets the painful incident which General Martindale relates, as is believed, with entire truth and candor. The legal investigation which has been instituted against the soldier who committed the homicide, without orders, will be pursued diligently and in good faith; and when its result shall be attained, all that seems possible for the government to do in so unhappy a case will be done to manifest its sorrow for the event, and to compensate those who are sufferers by the bereavement.

I have the honor to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, June 17, 1863.

SIR: I have the honor to transmit herewith a report, this day received from Brigadier General Martindale, military governor of the District of Columbia, in relation to the death of John Hardeastle.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

General Martindale to Mr. Stanton.

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
Washington, D. C., June 15, 1863.

SIR: I have been requested by the Secretary of State to communicate through you, for his information, the case of the death of John Hardeastle, who was shot by a sentinel at the Carroll prison on the 25th day of May ultimo.

The building in which the prisoner was confined has been fitted up for temporary use as a military prison, to meet the extraordinary exigencies of the present rebellion. It is insecure as a prison structure, and would be wholly unfit for the purpose except by the employment of a large military guard. Persons charged with offences against the laws of war are confined there, including those apprehended in passing through the lines of the army to and from the rebellious States. Many hundreds are frequently confined, some of whom have sympathizing friends, and some co-operators in contraband traffic, who seek communication with them. The prison building is not surrounded by a yard, but is built immediately on the line of a public avenue. Notwithstanding the vigilance of the guards, prisoners have frequently escaped by cutting through the floors and doors. It is also to be borne in mind that Washington is a border city, and that many of the citizens have sympathizing friends and relatives actually participating in the rebellion. These friends are frequently apprehended and confined. There has been a necessity, resulting from the foregoing reasons, for stringent rules to govern both the guards and prisoners. It is necessary to prevent communication between prisoners and parties in the streets, and to enforce submission by prisoners to salutary rules. Among these was a rule which forbade the prisoners from leaning out of the windows and talking to persons outside of the prison, particularly explained in the letter of Captain Mix. This rule was not only necessary to prevent communication between the prisoners and persons outside, but also to guard against injury to the prison itself; because in this manner prisoners had succeeded in cutting the wooden bars of the windows. In the present case, it is reported to me that the prisoner who was chiefly guilty of violating the rules of the prison and the orders of the sentinel was not Hardcastle, but a native citizen of the State of Maryland, named Pleasanton; and that the shot fired by the sentinel was not intended for Hardcastle, but Pleasanton. As soon as the facts were communicated to me, lamenting the occurrences, and determined to have a thorough investigation of the transaction, I directed the sentinel to be placed in arrest. I have further directed a court-martial to be convened for his trial upon a charge of murder. Under this charge all the facts will be elicited, and it will be competent to convict the prisoner, if guilty, of manslaughter, having that degree of criminality disclosed in evidence. It is intended to examine the case fully and minutely, and to administer the law applicable to it deliberately and with impartial justice.

Very respectfully, your obedient servant,

J. H. MARTINDALE,
Brigadier General and Military Governor.

Hon. E. M. STANTON,
Secretary of War.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, June 19, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of yesterday, relative to the laying down of some uniform rule as to the course to be taken by aliens to establish their claims to exemption from being drafted into the military service of the United States, and to inform you that I shall make no delay in asking a conference with the Secretary of War on this subject.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, June 20, 1863.

SIR: I had, on the 16th instant, the honor to receive your note of the 6th instant, informing me, in answer to my application for compensation for the capture of the British ship *Magicienne*, that the Secretary of the Navy suggests that the same course be pursued in this case as that proposed to be pursued in the case of the *Mont Blanc*.

The course proposed to be taken in the case of the *Mont Blanc* is described in the note which you did me the honor to address to me on the 7th of last month in the following terms:

"I have submitted this claim to the President, and am authorized to say that he admits that, in view of all the circumstances of the case, such compensation ought to be made. The Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and the President, upon their report, will ask an appropriation of Congress, for the discharge of the claim, at their next session."

I purpose, therefore, to inform her Majesty's government that the government of the United States proposes to settle the case of the *Magicienne* on the terms specified in the foregoing extract from your note of the 7th of last month. I will, however, before doing so, await an acknowledgment from you of my present communication, in order that I may be quite sure of representing the intentions of the United States government with perfect correctness.

I have the honor to be, with the highest considerations, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD,
Secretary of State.

*Mr. Seward to Lord Lyons.*DEPARTMENT OF STATE,
Washington, June 22, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 20th instant, in which, in reference to the claim for compensation in the case of the British vessel *Magicienne*, you make known your intention to inform her Majesty's government that the government of the United States proposes to settle the case of that vessel on the terms specified in an extract which you give from my note to you of the 7th of last month in relation to the *Mont Blanc*, and to state, in reply, that such is the true interpretation of my offer.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

*Mr. Seward to Lord Lyons.*DEPARTMENT OF STATE,
Washington June 24, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 13th instant, accompanied by a letter to you from Governor Bayley, at Nassau, and by a report to him, by Mr. T. B. Burnside, relative to the case of the schooner *Hanover*, of Boston, captured by the insurgent privateer *Retribution*, and taken to Long cay, one of the Bahamas.

The information thus communicated^d is acceptable so far as it goes, but is not deemed altogether conclusive. There still remains a painful doubt in the mind of this government whether the authorities and others at Long cay were, as Mr. Burnside thinks, ignorant that the Hanover was a prize to the Retribution.

I shall be happy if the inquiry shall be prosecuted so far as may be necessary to show these the understood first intentions of her Majesty's government have been strictly observed.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.,

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 25, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 16th instant, in which, after referring to the recent correspondence between me and the Danish minister here, relative to the use made by the United States cruisers of the port of St. Thomas, and to the papers which you laid before me, with your notes of the 3d and 8th of April last, in reference to the case of the Peterhoff, as well as to your note of the 4th ultimo, touching the proceedings of the Wachusett, in connexion with the capture of the Dolphin, you address to this government a fresh and more urgent remonstrance against the use made by its cruisers of the neutral port of St. Thomas, and I have the honor to state, in reply, that the attention of the Secretary of the Navy has been invited to it.

I have the honor to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, June 30, 1863.

MY LORD: With reference to your memorandum of the 18th instant, relative to laying down some uniform rule as to the course to be taken by aliens to establish their claim to exemption from being drafted into the military service of the United States, I have the honor to enclose to you the copy of a communication of the 27th of this month, addressed to this department by the Secretary of War.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,

Washington, June 27, 1863.

SIR: I have the honor to transmit herewith a communication from the Provost Marshal General, in respect to aliens claiming exemption from military

service, in answer to a memorandum of Lord Lyons transmitted by you to this department.

I am, sir, very respectfully, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., June 27, 1863.

SIR: I have the honor to acknowledge the receipt of a communication from the Secretary of State, dated June 19, 1863, addressed to you, enclosing a memorandum from Lord Lyons, relative to laying down some uniform rules as to the course to be taken by aliens to establish their claims to exemption from being drafted into the military service of the United States, and which communication was referred to you by this office.

Certain points connected with the subject have been referred to the solicitor of the War Department, and as soon as his opinion on them shall be rendered, rules will be prepared with a view to relieving aliens from all inconvenience and hardship connected with the execution of the enrolment act.

I am, sir, very respectfully, your obedient servant,

JAMES B. FRY,

Provost Marshal General.

Hon. EDWIN STANTON,
Secretary of War.

Lord Lyons to Mr. Seward.

WASHINGTON, *June 30, 1863.*

SIR: I had, yesterday, the honor to receive your note of the 24th instant, requesting that further inquiry might be made respecting the case of the Hanover.

I will lose no time in communicating this request to her Majesty's government and to the governor of the Bahama Islands.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Lord Lyons to Mr. Seward.

WASHINGTON, *July 1, 1863.*

SIR: I received with great satisfaction the note which you did me the honor to address me yesterday, and in which was enclosed a copy of a report from the Provost Marshal General, stating that rules will be prepared with a view to relieving aliens from all inconvenience and hardship connected with the execution of the enrolment act.

In order to show the urgency and importance of this matter, I transmit to you herewith extracts from despatches which I have received from her Majesty's consuls at St. Louis and Baltimore.

You will perceive that considerable alarm and anxiety prevail among British subjects in consequence of an impression that an alien cannot claim exemption until after he has been actually drafted. A rule of this kind would not only subject aliens to a great deal of unnecessary trouble and inconvenience, but would expose them to the risk of being actually compelled to serve in the army while their claims to exemption were under examination. I do not at all suppose that it is the intention of the government of the United States to lay down any such rule, but, as the impression which has created so much apprehension among her Majesty's subjects appears to be shared by some of the enrolling officers, I venture to suggest that it would be desirable that the attention of the higher authorities should be directed towards taking measures to remove it with the least possible delay.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Her Britannic Majesty's consul at St. Louis to Lord Lyons.

[Extract]

BRITISH CONSULATE,
St. Louis, June 23, 1863.

"I have the honor to direct your lordship's attention to a point relative to the exemption of persons of foreign birth from military service under the conscription act, which, unless clearly understood, is likely to cause some confusion.

"I find that the orders from the Provost Marshal General's office, regarding the enrolment and exemption of persons of foreign birth, if not absolutely conflicting, are at least obscure.

"I beg to enclose herein an extract from the Chicago Tribune, of the 12th instant, which contains a letter from me to the draft commissioner at Chicago, embodying the substance of an interview I had with the board of enrolment, in which I state my understanding of the views of the board as to the time foreigners are expected to come forward to claim exemption. At that time the only instructions received by the boards of enrolment were, that all residents within certain ages should be enrolled. But on calling on the board of enrolment sitting at Alton, Illinois, the provost marshal of that district showed me a circular dated the 2d instant, a copy of which I enclose. By this it appears this enrolment is simply a census of all male citizens and persons of foreign birth who have declared on oath their intention to become citizens, between the ages of twenty and forty-five years, but that neither the enrolling officers nor the board of enrolment shall make exemption from enrolment. The question of exemption is to be considered by the board of enrolment alone, and only with regard to draft—whether before or after, is not settled.

"I have visited the acting provost marshal general of the States of Missouri, Illinois, and Wisconsin, and also several boards of enrolment, including a principal one in the State of Iowa, and found the idea uniform, that no exemptions were to be made on the enrolment, and not until the person had been drafted. But whilst these officers looked upon their instructions as binding, I found in most instances that they considered it would be better policy to examine the claims of foreigners to exemption, as far as possible, before any excitement arises.

"I expressed no opinion on the subject myself, but I do most heartily concur with them.

“I would respectfully suggest that it would be well that an order or notice should be published to the effect that all persons intending to claim exemption from military service on the ground of alienage, should at once take measures to do so. It will take some time for the boards of enrolment fully to understand the questions as to what circumstances make a foreigner liable. Whenever foreigners are anxious to establish their position, I sincerely hope an opportunity will be afforded them to do so at once.

“In this widely extended district, where the intelligence of the applicants is not as high and the means of obtaining information not so general as in the eastern States, and, owing to the peculiarity of the laws, their rights more difficult to ascertain, I feel that such an order, though perhaps multiplying details at present, would avert much trouble hereafter, both to the British and United States governments.

“Wherever I have been I have found that it was the desire of the boards of enrolment to act in friendly co-operation.”

[Extract.]

BRITISH CONSULATE FOR THE STATE OF MARYLAND,
Baltimore, June 29, 1863.

“There being nearly two thousand British subjects holding certificates as such from this consulate, I wrote to Provost Marshal Blumenberg to inquire how aliens were to get their names struck off the enrolment list. He tells me, in reply, that there is no means of their doing so, *until they have been drafted*, when, on receiving a notice of the same, they are to go before the board of enrolment of their district to show cause for their exemption.

“I very much fear, from last year’s experience, that this arrangement will be the cause of great trouble to us all.”

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 1, 1863.

MY LORD: Adverting to your note of the 24th ultimo, in which, to the refusal of the custom-house authorities at New York to grant a clearance to the brig John Freeman, with cattle on board, you ask for information as to the grounds of the prohibition of the exportation of cattle. I have the honor to enclose you the copy of a communication of yesterday, addressed to this department by the Secretary of the Treasury.

I have the honor to be your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, *June 30, 1863.*

SIR: I have received your note of the 26th instant, inviting my attention to an enclosed copy of a communication of the 24th instant, from Lord Lyons, in relation to the refusal of a clearance for the brig John Freeman, with cattle on board, and for information as to the grounds of the prohibition of the exportation of cattle.

In reply, I beg leave to transmit copies of an order made by the President of the United States in relation to the exportation of arms, ammunition, and munitions of war, and of a communication from the Secretary of War, from which it appears that the prohibition extended to the exportation of live stock. I also enclose a copy of a letter from me to the Secretary of War in relation to proposed exceptions from the operation of the order.

Lord Lyons correctly states that the refusal to clear the John Freeman has been the subject of some informal correspondence between him and myself, and it is proper to say that I conferred, also informally, with the President in respect to permitting the clearance desired, and that the President, after consulting with the Secretary of War, declined to grant such permission.

The clearance referred to was refused in obedience to this prohibition. For the grounds of it I respectfully refer you to the President and Secretary of War.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

A.

Mr. Stanton to Mr. Chase.

WAR DEPARTMENT,
Washington City, D. C., November 20, 1863.

SIR: I have the honor to enclose herewith a copy of an executive order made by the President this day, and filed in this department, and would request you to give such orders as may prevent the prohibited clearances at New York and elsewhere.

Yours, truly,

EDWIN M. STANTON,
Secretary of War.

Hon. S. P. CHASE,
Secretary of the Treasury.

EXECUTIVE MANSION,
Washington City, November 20, 1862.

Ordered, That no arms, ammunition, or munitions of war be cleared or allowed to be exported from the United States until further order; that any clearances for arms, ammunition, or munitions of war, issued heretofore by the Treasury Department, be vacated, if the articles have not passed without the United States, and the articles stopped; that the Secretary of War hold possession of the arms recently seized by his order at Rouse's Point, bound for Canada.

ABRAHAM LINCOLN.

The foregoing is a true copy of an executive order this day filed by the President in the War Department.

EDWIN M. STANTON,
Secretary of War.

B.

Mr. Stanton to Mr. Chase.

WAR DEPARTMENT,
Washington City, D. C., May 19, 1863.

SIR: I have the honor to enclose herewith a copy of an order of this department, designed to enforce the executive order of November 21, 1862, against sundry persons engaged in purchasing horses and mules for exportation.

I would respectfully request the co-operation of your department.

I have the honor to be, very respectfully, your obedient servant,
 EDWIN M. STANTON,
Secretary of War.

HON. S. P. CHASE,
Secretary of the Treasury.

Mr. Stanton to Mr. Chase.

WAR DEPARTMENT,
Washington City, D. C., May 13, 1863.

Information has been received by this department that sundry persons are purchasing horses and mules within the United States for exportation, contrary to the executive order of November 21, 1862. To the end that during the present war the military resources of this government should not be withdrawn from the country, the commandants of departments are directed to prohibit the purchase and sale of all horses and mules, within the limits of their respective commands, to be exported from the United States, and to take and appropriate to the use of the government any horses, mules, and live stock designed for exportation, causing the value thereof to be appraised and reported to the quartermaster general; and they are enjoined vigilantly to enforce the executive order of November 21, 1862, prohibiting the exportation of arms, ammunition, or munitions of war.

Claims for property taken under this order will be presented to the quartermaster general for adjustment.

EDWIN M. STANTON,
Secretary of War.

HON. S. P. CHASE.

Mr. Chase to Mr. Stanton.

TREASURY DEPARTMENT, *June 2, 1863.*

SIR: I have received your letter of the 25th ultimo, returning to this department the application of Messrs. Stethimer and Altman for permission to export certain rifled muskets to Hamburg, and suggesting that, while the President's order of November 21, 1862, continued in force, it is not competent for the War Department, any more than for the Treasury Department, to grant permits for the exportation of prohibited articles, and that it is unnecessary for the Treasury Department to transmit applications like those referred to for the decision of the Secretary of War.

I have also received your letter of the 29th ultimo, returning to this department the inquiry of the collector of Boston in relation to permission of the

shipment of a pair of carriage horses to Hayti, and have observed your remark, that you are not aware that this (the war) department has any power not possessed by the Treasury Department to permit the exportation of articles prohibited by the President's order.

The President's order of November 21, 1862, as construed by the order of the War Department of May 13, 1863, which enjoins the application of its prohibition to the exportation of horses, mules, and live stock, has governed the action of this department. Indeed, immediately on receiving your letter transmitting the last-named order, directions were forthwith and on the same day issued by me to the officers of this department, enjoining vigilance in enforcing its execution.

Necessarily, however, many cases have occurred, and must occur, which the interested parties or officers of this department regard as not embraced within the spirit of the rule, though covered by its letter; and these cases have, in regular course of business, been sent to me. As the whole action of this department has only been auxiliary to yours in this business, I have thought it my duty to transmit these applications for dispensation from the rule to you for consideration. In some cases the dispensation has been allowed, and in others refused; and your decision has governed the action of this department.

I now understand you as refusing to entertain any further applications of this character, and shall, of course, refer no more to you. There must, however, be questions touching the scope and permanency of the orders which will need to be settled by some authority. These will be referred directly to the President until further advice from him or yourself.

It is my earnest desire, in the administration of this department, to cause no unavoidable inconvenience, and to render every possible support to the others, and especially to yours, the vast responsibility and labors of which I understand and appreciate.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. EDWIN M. STANTON,
Secretary of War.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 2, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, transmitting to me extracts from despatches which you have received from her Majesty's consuls at St. Louis and Baltimore, in order to show the urgency and importance of preparing rules with a view of relieving aliens from all inconvenience and hardship connected with the execution of the enrolment act, and to state that these papers have been communicated to the Secretary of War.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

*Lord Lyons to Mr. Seward.*WASHINGTON, *July 13, 1863.*

SIR: In a note dated the 16th ultimo you did me the honor to request me to inform you whether a communication of a desire to anchor on the part of a belligerent ship is required to be made to minor officers of ports in the Bahama islands.

The governor of those islands, to whom I referred your note, states to me that he considers that the spirit of the orders and directions of the Queen, which were promulgated at Nassau by proclamation, dated the 11th March, 1862, evidently requires that permission be asked and obtained before any belligerent man-of-war anchors off any of the Bahama islands.

The governor proceeds to inform me that he communicated to the United States consul his wish that the commanders of United States men-of-war should ask and obtain permission from the local authority when they desired to anchor at places in the Bahamas, such as Abaco, Inagua, Eleuthera, Long island, and Rum cay, where there are officers of the position and character of the revenue collectors and police magistrates. His excellency observes that the Queen's orders distinctly forbid any belligerent vessel to enter or remain in the port of Nassau, or in any other port, roadstead, or waters of the Bahama islands, except by special leave of the governor; and he points out that if this prohibition was strictly carried out, every commander of a United States ship-of-war ought to go to Nassau to obtain the required leave. His excellency has, however, substituted the permission of a responsible public officer at the out islands for a special permission from himself to be given at Nassau in each particular case; and he remarks that the condition which he has thus imposed is of much easier fulfilment than that which would be required by the letter of the Queen's orders.

The governor further informs me that it appears from a report from Mr. Resident Justice Burnside that the conduct of the United States ship Rhode Island has been repeated by the United States ship Mercedita; and his excellency adds that this double infraction of the Queen's orders seems to him to indicate the necessity of insisting upon a strict adherence to the rules which those orders establish.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

*Mr. Seward to Lord Lyons.*DEPARTMENT OF STATE,
Washington, July 14, 1863.

MY LORD: I have carefully considered the communication relating to the case of John Sherwin, which, by direction of her Majesty's government, you submitted to me on the 27th of May last. Her Majesty's government claim a pecuniary indemnity for John Sherwin. The claim is based on the following assumptions, namely: that he is a British subject of good character and practice; that when he was commanding a merchant vessel, which he had purchased in the United States, and was thus lawfully employed, he was suddenly arrested on a charge of high treason, and detained several months in prison; that at the end of that period he was released, because, as is understood, the proper law

officer of the United States advised the government that the said British subject could not at present be successfully prosecuted for high treason, although his conduct is believed to have been unwarrantable and injurious; and, at the time of his release, he was requested to sign a parol of honor.

It is not my purpose or expectation to show that the claim thus presented ought, without further examination, to be peremptorily and finally disallowed, but simply to show, while leaving it open for further examination, that the claim is not now so sustained as to justify the government of the United States in conceding it. I have to state, in the first place, that while it may be true that the said John Sherwin is a British subject, it is equally true, on the other hand, that, from all that is known of him, or proved concerning him, he may be a citizen of the United States. In recurring to the papers relating to him, on file in this department, it is observed that in the letter covering them, which was written to me by the honorable William Stuart in your absence, no proof is presented, nor even is there an allegation made, that Sherwin is a British subject. It was in your own letter of the 27th of May, 1863, assumed that Sherwin is a British subject, but proofs of the fact was not then given, nor any such account of him as would be calculated to enable me to ascertain whether he may have compromitted his rights as a British subject, by a departure from the neutrality which he owed to the United States while residing here and enjoying their protection.

He has not offered in evidence the clearances or other papers connected with the voyages of the *Dixie* and the *Rowena*, the American vessels which he had navigated, trading with American ports. As American ships can only be *lawfully* navigated by American citizens, this government, in the absence of this proof, is left to conclude that Captain John Sherwin either was, or had reported himself to be, a citizen of the United States. In this view of the evidence it will be seen that this government cannot admit that the claimant is a British subject of good character and practice. It will, however, cheerfully receive proofs on this subject.

The War Department of the United States has evidence that in the year 1862 John Sherwin clandestinely took on board the *Dixie*, at Reedy island, in the Delaware river, certain persons who were, and whom he had reasonable grounds for knowing to be, public enemies of the United States, for the purpose of enabling them to join confederated traitors in arms, in the actual field of the civil war. He left the port of Philadelphia without having obtained a license to carry passengers. He reported to the revenue cutter which overhauled his vessel, after leaving port, that he had no passengers on board, and after this time took on board, in a secret manner, five notoriously disloyal persons, who had held themselves in concealment several days, while waiting for Sherwin's vessel, and carried them to a foreign port, with a view to enable them, by this illegal and forbidden voyage, to join an armed conspiracy in open rebellion, or, at least, to enable them to escape from the performance of military service due to the United States. The proceedings were in direct violation of the laws of the United States and of the lawful proclamation which had been issued by the President.

Having arrived at Nassau, in the West Indies, he then sold his aforesaid vessel, the *Dixie*, in order to avert a seizure and condemnation which he apprehended if he should return to the United States.

By this proceeding Captain Sherwin actually aided and abetted the insurrection. When he had returned to the United States and purchased another vessel, the *Rowena*, with a view to another voyage to Nassau, it was reasonably suspected that it was his purpose to continue in the same unlawful practice which he had instituted when in the command of the *Dixie*. He was therefore seasonably arrested and held in custody. If the United States government released him from his confinement because they were advised that the facts

before stated would not be sufficient, technically, to sustain an impeachment of high treason, it does not prove that his previous proceedings were therefore lawful and innocent, or his arrest unlawful or unnecessary. The arrest and imprisonment stand upon the original ground, and are defensible upon every principle of right in a time of insurrection and civil war. The government released him because, in view of the actual condition of the civil war, his further detention was not deemed necessary for the public safety.

I have thus submitted to the consideration of your government the grounds on which, until further advised, the United States regard Captain Sherwin, not as a British subject of good character and practice, unlawfully arrested and imprisoned, but as an aider and abettor of the public enemies of the United States, and, therefore, rather indebted to their clemency than entitled to an indemnity for an imprisonment to which he was subjected as a means of public safety. If he has any explanations or refutations to offer, they will be considered with candor, and allowed their due weight.

I have the honor to be, with high consideration, your lordship's obedient servant.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, July 15, 1863.

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to address to me on the 13th of May last, respecting the claim for reparation for the injuries caused by the imprisonment of Mr. Redgate and Mr. Elsworth, two of the passengers captured on board the Peterhoff, and her Majesty's government have instructed me to inform you that they are not prepared to accept your proposition that this matter should be referred to the prize court.

Her Majesty's government observe, in the first place, that this is certainly not a question which a prize court is ordinarily competent to entertain. The jurisdiction of the tribunal is *in rem*, and does not extend to awarding damages to individuals ill treated by the captor, apart from the adjudication upon the guilt or innocence of the vessel seized, while the claim of her Majesty's government, on behalf of Mr. Redgate and Mr. Elsworth, is independent of that circumstance.

In the second place, her Majesty's government regard the case as one in which (assuming the truth of the story) immediate redress should be granted by the executive government of the United States.

Her Majesty's government consider that the captors had no right to treat Mr. Elsworth and Mr. Redgate, the subjects of a neutral state, on board a neutral vessel, as prisoners of war.

Her Majesty's government consider that the captor's right is confined to detaining, not as prisoners of war, but as necessary witnesses, such of the crew (usually the master and two of the seamen) as may be required to make depositions as to the circumstances of the case. But Mr. Redgate and Mr. Elsworth formed no part of the crew of the Peterhoff; and they do not appear to her Majesty's government to have been detained as witnesses, but rather to have been treated as subjects of the belligerent at war with the United States.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

HON. WILLIAM H. SEWARD,
Secretary of State.

*Lord Lyons to Mr. Seward.*WASHINGTON, *July 15, 1863.*

SIR: Her Majesty's government have had under their consideration the note which you did me the honor to write to me on the 12th of May last, respecting the case of the Granite City, as well as the note which I had the honor to address to you on the 27th of the same month, relative to the case of the Tampico.

Her Majesty's government observe, as to the first-named vessel, that as judgment appears to have passed by default, she would seem to be now legally condemned. But as regards both vessels, her Majesty's government strongly object to their appropriation before condemnation, and cannot acknowledge the right of a law of Congress to set aside the law of nations upon this important question of neutral rights.

With respect to the detention of the whole crew of the Tampico, her Majesty's government think it right to repeat that, in their opinion, the practice of detaining whole crews of captured vessels for a considerable period is an abuse of belligerent power. Her Majesty's government conceive that the proper course is to take, as early as possible, the depositions of the necessary witnesses, to detain them as short a time as possible, and not to detain others at all.

Her Majesty's government desire me to represent most emphatically to the government of the United States that neutral subjects found on board neutral vessels are not in the category of prisoners of war; that the authority of the belligerents over them extends only to the detention of the witnesses necessary for the truth of the case; and that it is the duty of the belligerent to afford every reasonable facility for their early release, and, consequently, for the speedy taking of the necessary depositions.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant.

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

*Lord Lyons to Mr. Seward.*WASHINGTON, *July 16, 1863.*

SIR: In a note which I had the honor to address to you on the 22d of May last I begged you to allow me to communicate with the owners of the British schooner Mont Blanc before I responded to your invitation to name a person to confer with Rear-Admiral Theodore Bailey, for the purpose of ascertaining and agreeing upon the damages to be paid for the seizure of that vessel.

I have now the honor to transmit to you a copy of a letter addressed by the owners to Mr. E. B. A. Taylor, acting registrar general and treasurer at Nassau, in which they declare they shall be perfectly satisfied with the appointment of Mr. Butterfield, British vice-consul at Key West, to act with Rear-Admiral Bailey, and assess the damages in question.

I am, therefore, ready to designate Mr. Vice-Consul Butterfield as the person chosen by me, and to cause him to be instructed to confer with Rear-Admiral Bailey, and to endeavor, in concert with that officer, to ascertain and fix the damages, according to the terms of the note which you did me the honor to write to me on the 7th of May last.

On being informed by you that the necessary directions will be given to Rear-Admiral Bailey, I will, on my part, take care that proper orders shall be sent without delay to Mr. Butterfield.

I have the honor, &c, &c.,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c.

NASSAU, N. P., *June 27, 1863.*

SIR: We have to acknowledge receipt of your letter of the 25th instant, enclosing a letter from Mr. Archibald, her Britannic Majesty's consul at New York, in reference to the appointment of Mr. Butterfield, her Britannic Majesty's vice-consul at Key West, to act as an assessor, on our behalf, in the settlement of compensation for damages for the illegal capture by a United States cruiser of the schooner *Mont Blanc*.

We shall be perfectly satisfied with the appointment of Mr. Butterfield to sit with Admiral Bailey, and assess the amount of damages to be paid by the United States government.

We have, &c., &c.,

SAWYER & MENENDES.

E. B. A. TAYLOR, Esq.,

Acting Registrar General and Treasurer, Nassau.

Lord Lyons to Mr. Seward

WASHINGTON, *July 17, 1863.*

SIR: I ask your serious attention to the enclosed documents, being a protest made by the master, mate, and chief engineer of the British steamer *Victor*, and an affidavit made by the chief engineer.

I beg you to observe, particularly, that it is stated in these documents that the *Victor* was boarded, searched, and captured by the United States steamer *Juniata* within the territorial jurisdiction of Spain; that the language and proceedings of the boarding officer were unnecessarily violent and offensive; that the master, mate, and engineer were detained as prisoners on board the *Juniata*, at Key West, for eleven or twelve days, during which they were without many comforts, not to say necessaries; and that they were finally imprisoned in the fort, in a cell so narrow and so ill ventilated that their sufferings were intense, and that their health was seriously injured.

I must also direct your notice to the statement of the engineer, that his deposition was not taken fairly by the prize commissioner, and that he signed it under a threat that he should be sent back to the fort if he refused.

I shall be much obliged to you if you will do me the honor to return to me the protest and affidavit.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

*Protest of master, mate, and chief engineer of the British schooner Victor,
June 25, 1863.*

Know all men, by this public instrument of protest, that, on the 25th day of June, in the year of our Lord 1863, at the office of the British consulate at Havana, before me, John Vincent Crawford, esq., her Britannic Majesty's acting consul general in Cuba, personally appeared John James Pearce, the master and owner, Lumley Kennedy, the mate, and George W. Ardell, chief engineer, all of and belonging to the screw steamer *Victor*, provisionally registered at this office, and being severally sworn upon the Holy Evangelists of Almighty God, declared that they, on board of the said vessel, she then being tight, staunch,

and strong, well-fitted and provisioned, and in every respect complete for their then intended voyage, and being laden with a general cargo of lawful merchandise, got up steam and departed from this port of Havana on the afternoon of Thursday, the 28th day of May last, and proceeded on their voyage towards the port of Matamoras, the vessel's clearance and other papers being in perfect order. That when in the Narrows, between the guardship and the Moro, at the entrance of this harbor, the United States steamship Juniata passed them, and stood out to sea. At 5 p. m., when abreast of the Moro Castle, the Victor discharged her pilot, and there being a heavy sea breaking on the coast, they proceeded under easy steam. At 6 p. m., when they were about five miles from the Moro, and about two miles from Punta de las Rogues, between the Chonera and Mariannas, the United States ship-of-war Juniata, then to the northward and eastward of the Victor, bore down upon them, and while crossing the bar hailed them, and ordered them to stop until she sent a boat on board. That the Victor was immediately stopped, and a few minutes after she was boarded by a boat from the Juniata, the officer in command of the boat demanding the vessel's papers in a most violent manner, and using very insulting language. He then ordered his boat's crew to break open the cargo, and to the master's request that they should use an auger to bore the chests of tea, instead of smashing the lids and damaging the contents, the officers paid no attention. The master was then ordered to go on board the Juniata, and directions were given to steer the Victor in that vessel's wake. The boarding officer being asked why he thus treated a British vessel, bound on a legitimate voyage, and having all her papers in proper order, replied, in a most violent manner, that Admiral Wilkes's orders were to seize every steamer under the British flag going to the westward. After the master had been on board the Juniata for a considerable time, the commander informed him that he would take the Victor to Key West, and upon the master's remonstrating and protesting against such a proceeding, the commander replied, "that from information received whilst at Havana he suspected that it was the master's intention to run the blockade." The master was kept a prisoner on board the Juniata, and so were all the Victor's crew, except the second engineer and one fireman. The Victor being a high-pressure boat, the engineers of the Juniata were unable to work her engines, so that the Victor's second engineer had to be sent back to her for that purpose. That they arrived at Key West on the 29th of May; were refused communication with the British vice-consul, and kept prisoners on board the Juniata from the 29th May until the 9th June, and were not allowed beds of any description, nor even a change of clothes. On the 9th June the master, chief engineer, and the mate, were taken to Fort Taylor, where their names were registered, and the officer who brought them from the Juniata ordered that they were to be placed in close confinement. They were then locked up in a cell, the door of which was air-tight. This cell was about ten feet square, with a slanting roof, the highest part being about ten feet, and the lowest part about seven feet from the floor; in the wall, at the upper part, were two holes, protected by strong iron bars. Their sufferings there were dreadful. They had to strip off the clothes which they had been compelled to wear since their departure from Havana, and were obliged to lay naked and gasping on the floor of the cell. After a while the jailer came with a bucket of water, and again locked the door. Next morning they begged the jailer to get a chain to secure the door so as to leave it a little open that they might get some air, but even this was refused. That night, the mate having become violently ill, he had to be removed to another cell. That, on the 11th June, the master was sent for and taken to the office of the prize commissioner's to be examined, and on return to the fort he complained so badly of palpitation of the heart that he was allowed to pass the night in one of the casemates; but the following night, though still very unwell, he was again put back into the cell. That this dreadful treatment continued until the 13th instant, when they were all discharged

from the fort and set at liberty. The rest of the crew had been landed from the Juniata on the 9th, and were left to shift for themselves. And whereas the said steamer Victor was lawfully cleared and laden with a legitimate cargo from Havana for Matamoras, and were really and truly bound for the latter port, and, moreover, was in Spanish waters when seized by the Juniata as aforesaid: Now, therefore, these appearers desire to protest, and by these presents do most solemnly protest, against the commander, officers, and crew of the United States steamer Juniata, and against the government of the United States of North America, under whose orders the said commander, officers, and crew have acted, and are acting, for the unjust and arbitrary seizure and detention of their vessel, the Victor, and her cargo, and for all losses, damages, averages, demurrage, loss of markets, and any and all other wrongs whatever which have been or may have been sustained or suffered, or may have arisen to the said steamer Victor, her tackel, apparel, or to the cargo on board, in consequence thereof. And, further, these appearers do solemnly protest against, and claim damages from the government of the United States for the harsh and cruel imprisonment they have suffered on board the Juniata and in Fort Taylor, as being not only perfectly uncalled for, but contrary to the laws of humanity and justice, for these appearers swear that they have done nothing whatever to warrant such treatment.

JOHN J. PEARCE.

G. W. ARDELL.

LUMLEY KENNEDY.

Signed and declared before me this 25th day of June, 1863.

JOHN V. CRAWFORD,
Acting Consul General in Cuba.

BRITISH CONSULATE GENERAL,

Havana, June 25, 1863.

I do hereby certify that the above document is a true and faithful copy, word for word compared, of a protest extended at this office, the day and date therein mentioned, and registered at folios 304, 305, 306, and 307, of records book F, in the archives of this consulate.

JOHN V. CRAWFORD,
Acting Consul General in Cuba.

At the office of the British consulate at Havana, before me, John Vincent Crawford, esq., her Britannic Majesty's acting consul general in Cuba, personally appeared George William Ardell, British subject, born at Manchester, England, chief engineer of the British steamer Victor, provisionally registered at this office, and having been sworn upon the Holy Evangelists of Almighty God, declared that he left the port of Havana, on the 28th ultimo, as chief engineer, on board of the screw steamer Victor, bound to Matamoras, Mexico; and that about six o'clock the same evening, when the Victor was about six miles from the Moro Castle, and about two and a quarter miles from the coast of Cuba, the United States steamer Juniata, Commander Stevens, bore down upon and seized the said vessel. That upon being ordered to go, with the rest of the crew of the Victor, on board the United States ship, deponent asked to be allowed to take his clothes along with him; but the boarding officer answered, "not a damned stitch." Deponent then remarked, "It is very strange that you should treat us so; we are an English vessel in Spanish waters, and bound on a legal voyage;" to which the officer replied, "I don't care a damn; Admiral Wilkes's orders are to seize every damned thing going to leeward, and

we will do it." Deponent was then ordered to work the engine, which he refused to do, as he declined obeying any one but his own captain, and he was sent on board the Juniata with the rest of the crew. The next day they arrived at Key West, where deponent and the rest of the crew were detained as prisoners on board the Juniata from the 29th May to the 9th instant, and were not allowed to communicate with the shore, or with the British vice-consul, nor were they permitted to get a change of clothes; no beds of any description were given them, so that they had to sleep on the bare deck, and they were denied anything from on board their own ship, the Victor. On the morning of the 9th instant deponent, together with the master and mate, were put into a boat and taken to Fort Taylor, where, after their names were registered, they were put in a dungeon ten feet square, the roof being arched; the highest part being ten feet from the floor, and the lowest part seven feet. The door was airtight, and the only ventilation was derived from two small square openings near the roof, and which were strongly grated. The heat and stench of this dungeon soon became intolerable. They were obliged to strip themselves naked and lay flat on the floor gasping for air. The jailor, upon their beating on the door for some time, brought them a bucket of water, without any vessel to drink with, and locked the door again. At twelve o'clock, noon, the jailer appeared with a sentry, and as soon as deponent, the master, and the mate had hurried on their clothes, they were led to the soldiers' mess for dinner, and were allowed about a quarter of an hour to eat it, and they were then taken back and locked up as before. At six p. m. they were taken in the same manner to supper, and returned to their dungeon. Their sufferings that night were indescribable, because of the intense heat and stench, and the myriad mosquitoes added to the dreadful feeling of suffocation from the scarcity of air. Sleep, under such circumstances, was impossible. About daylight the mate complained of faintness, and was seized with violent cramps in the stomach and cold sweats, so that they had to thump hard on the door to attract attention. In about three-quarters of an hour the jailer came, and seeing the mate's condition had him removed, which gave the deponent and the master great relief, inasmuch as the air consumed by even one person, in such a narrow space, was of the utmost consequence. The tenth instant passed in the same manner, the master complaining, towards night, of oppression of the heart. On the 11th instant the master was taken out to be examined before the prize commissioners, and deponent was left alone in the dungeon until the following morning, when, after breakfast, he was allowed to join the master in one of the casemates of the fort, where, it appears, the master had passed the night, having palpitation of the heart. The mate was examined before the prize commissioners, and that evening, about half-past six o'clock, deponent, with the master and the mate, were again locked up in the dungeon, termed, by the garrison, the "sweat-box" Here they again suffered dreadfully; their clothes had become offensive, and the scarcity of air was felt, if possible, more than the first night of their incarceration. The mosquitoes were intolerable, and the only way they could create a circulation of air was, by fanning the floor with their coats. Their mental sufferings were very great, as, being conscious of having committed no offence or crime whatever, they were in total ignorance of any reason for their arrest; and what preyed upon their minds most, was their uncertainty as to how long this fearful treatment would last; for, if prolonged, it must end in certain death to all three. Fortunately, on the 13th instant, after deponent had been examined before the prize commissioners, he and his fellow prisoners were released.

Deponent further declares that he protested against signing the papers presented to him, for that purpose, by the prize commissioner, Mr. Welch, said papers purporting to be his testimony, inasmuch as he, deponent, objected to the manner in which his answers were taken down, not being true and fair, and large spaces

being left vacant. Deponent declares that he signed these papers under a threat from the prize commissioner, that if he did do so, he would be kept in Fort Taylor until he got ready to sign them.

G. W. ARDILL.

HAVANA, 26th day of June, 1863.

Signed and declared by the above-mentioned George William Ardill in my presence this 26th day of June, 1863.

JOHN W. CRAWFORD,
Acting Consul General, in Cuba.

BRITISH CONSULATE GENERAL,
Havana, June 28, 1863.

I do hereby certify that the above document is a true and faithful copy, word for word, compared, of an affidavit extended at this office, the day and date therein mentioned, and registered at folios 308, 309 and 310 of Records, Book F, in the archives of this consulate.

JOHN V. CRAWFORD,
Acting Consul General, in Cuba.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 17, 1863.

MY LORD: I have the honor to acknowledge the receipt of your memorandum of yesterday, relative to the promised answer of the Secretary of the Treasury, with reference to the cancelling of certain bonds taken by the custom-house authorities at New York upon the shipment of merchandise to the Bahama islands, and to state that the attention of Mr. Chase has been directed to the matter.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 18, 1863.

MY LORD: I have had the honor to receive your note of yesterday, with the accompanying papers, relative to the capture of the British steamer Victor by the United States steamer Juniata. The subject had previously been brought to the notice of this department by Mr. Tassara, her Catholic Majesty's minister here, upon the supposition that the capture was made within the maritime jurisdiction of the island of Cuba. Herewith I have the honor to communicate a copy of two notes, which this department has addressed to Mr. Tassara, in regard to the matter. A copy of your note and of its accompaniments shall be sent to the Secretary of the Navy, in order that the officer in command of the Juniata may be called upon for an explanation of the facts therein set forth, which explanation, when received, will enable me to bestow further consideration upon the subject. In the mean time, I have to request that your lord-

ship will accept the assurances already given by me to Mr. Tassara, with the same consideration as if they had been specially addressed also to yourself; and to be further assured, that if it shall appear that the law of nations has been violated in this case by the commander of the Juniata, that violation will be profoundly regretted and promptly redressed by this government. Its attention will be specially directed to the complaints (contained in your note, but not found in that of Mr. Tassara) of rigors alleged to be practiced upon the captain, officers and seamen in the fort at Key West. If the complaint is well founded, the necessary measures will be taken to correct those abuses and prevent their recurrence.

I have the honor to be, your very obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 22, 1863.

MY LORD: I have had the honor of receiving your lordship's note of the 15th instant, in which you inform me that her Majesty's government have had under consideration the note which I addressed to your lordship on the 13th of May last, respecting the claim for reparation for alleged injuries caused by the imprisonment of Mr. Redgate and Mr. Ellsworth, two of the passengers captured on board the Peterhoff, and that her Majesty's government are not prepared to accept my proposition that this matter should be referred to the prize court. You further inform me that your government assume, in the first place, that the question is one which a prize court is not ordinarily competent to entertain; and, secondly, that her Majesty's government regard the case as one in which, assuming the truth of the story, immediate redress should be granted by the executive government of the United States. You further state that it is the opinion of her Majesty's government that the captain had no right to treat Mr. Ellsworth and Mr. Redgate, the subjects of a neutral state, on board a neutral vessel, as prisoners of war, and that, on the contrary, the captor's right is confined to detaining, not as prisoners of war, but as necessary witnesses, such of the crew (usually the master and two of the seamen) as may be required to make depositions as to the circumstances of the case; that Mr. Redgate and Mr. Ellsworth formed no part of the crew of the Peterhoff, and that they do not appear to her Majesty's government to have been detained as witnesses, but rather to have been treated as subjects of a belligerent at war with the United States.

Upon a careful re-examination of this subject, I think your lordship will perceive that the spirit of my note to you of the 13th of May has been misapprehended, as well as the ground which it assumes. In that note I informed your lordship that I had applied to the Secretary of the Navy for such information as he might be able to give, concerning the transactions affecting the claim of Messrs. Galbraith & Company, of London and Glasgow, for compensation for losses which they allege that they have received by reason of the capture of the Peterhoff, and the subsequent confinement of Mr. Redgate and Mr. Ellsworth, and that, by a note just then received from the Secretary of the Navy, I learned that he had no information beyond the general report which had been made to him of the seizure of that vessel. I added that, as the affair then stood, the claim seemed to me to be one incidental to that seizure, and chiefly, if not wholly, involved in the juridical investigation concerning it, which was then going on in the prize court at New York. I observed, further, that if it should

appear that the claim, when duly submitted to the court, is unjustly disregarded or is disallowed, because, although just in itself, yet it is found not to be within the competency of the court to grant any redress to which the claimants might be entitled, it would then, unquestionably, present a case for examination by the executive department of the government, and I respectfully submitted, for your lordship's consideration, the question whether any reference of the claimants to the court was proper or necessary on the part of her Majesty's government.

Your lordship will perceive that the question which I had before me, in writing this note, was not any individual claims of Mr. Redgate and Mr. Ellsworth respecting redress and compensation or damages for an alleged unlawful imprisonment, but the claims of Messrs. Galbraith & Co., of London and Glasgow, for damages which they, as owners of the Peterhoff, represented that they had incurred by reason of the capture of the vessel and the subsequent confinement of Mr. Redgate and Mr. Ellsworth, who were alleged to have been passengers in the Peterhoff when she was captured. I have not had, and have not now, any hesitation in admitting that if these persons are indeed neutral British subjects, and if they were lawfully on board the Peterhoff, and, further, if they were indeed unlawfully captured and unlawfully imprisoned by the naval officers of the United States, then they severally have a just claim upon this government for redress and satisfaction; and I freely admit, also, that in that case the British government may lawfully claim that that redress and satisfaction shall be awarded to them by the executive government of the United States, and that this claim is certainly one which does not fall within the ordinary province of a prize court. But it was not such claims, on their behalf, that were understood to be before me when writing my note of May 13, but, on the contrary, it was a further independent and consequential claim of Galbraith & Co. for damages, which they alleged they, as owners of the Peterhoff, had suffered by reason of the same transaction in which the supposed claims of Messrs. Redgate and Ellsworth arose. I will not argue against what would seem to be the opinion of her Majesty's government, that this latter claim of Messrs. Galbraith & Co. is not cognizable before the prize court, although candor seemed to oblige me to submit the question, in my former note, for the consideration of Earl Russell.

I beg leave to add, that it seems to me that the special claims of Messrs. Redgate and Ellsworth, as they are presented, I think, for the first time in your last note are two several undeniably personal claims not assigned, nor even assignable to Messrs. Galbraith & Co., nor are they of a nature to become assets or effects of the firm of Galbraith & Co., even if Redgate and Ellsworth are partners of that firm. Viewing them in this new light, I very cheerfully add that I am directed, by the President, to ask from the Secretary of the Navy for an investigation of the facts presented by her Majesty's government in support of them; that I cannot admit these facts to be true, upon the *ex parte* statements which have thus far been submitted to this government, because they are opposed by counter-statements which have been submitted to this government, tending to show that at least one of the two persons is, and perhaps both are, American citizens; that they were not passengers, but were interested owners of the Peterhoff or cargo, actually concerned in, and, therefore, having knowledge of, the fraudulent purpose of carrying contraband of war directly into a blockaded port of the United States; that they were lawfully detained, when found in the captured vessel, not as prisoners of war, but as witnesses, to prove the lawfulness of the seizure, and to secure the condemnation of the vessel and cargo; and that one of them, Mr. Redgate, has actually been examined as a witness, and has declared himself to be, not a British subject, but a citizen of the United States.

I expected, when I wrote my note of May 13, that the trial, then imminent in the prize court, would throw some light upon the conflicting statements to which I have referred, and help me to ascertain the true merits of the complaint of

Messrs. Galbraith & Co. I still expect that light from the trial which, as I understand, draws near its close. With the aid of that light, and such other as may be obtained through the investigation which the Navy Department will make, I shall be happy to resume the consideration of the subject, and, as soon as may be, take the instructions of the President in regard to the claims, as I now understand them, to be presented by her Majesty's government. I hardly need to add that this government does not claim, but, on the contrary, freely disclaims, any such principle as that neutrals captured in neutral vessels violating the blockade may be treated, in any case, as prisoners of war. The Secretary of the Navy has specially instructed the naval officers, maintaining the blockade, to the contrary of any such practice; but, with an earnest desire to avoid all possible conflicts with neutrals, he will now cheerfully renew the instruction, and such officers will be held to a rigid responsibility for obedience to it.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 22, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 20th instant, with which you were so obliging as to send me a copy of a circular order of the Provost Marshal General, dated the 19th instant, which points out the mode in which persons claiming exemption from the military service on the ground of alienage will be expected to establish their claims.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WM. H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, July 23, 1863.

MY LORD: Adverting to your memorandum of the 16th instant, relative to the promised answer of the Secretary of the Treasury with reference to the cancelling of certain bonds taken by the custom-house authorities at New York, upon the shipment of merchandise to the Bahama islands, I have the honor to enclose to you the copy of a communication, of the 1st of this month, addressed to this department by that officer.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Chase to Mr. Seward.

TREASURY DEPARTMENT, July 1, 1863.

SIR: I have the honor to transmit herewith the letters received by me from Hiram Barney, collector at New York, dated 27th May and 23d June last, re-

plying to the complaint of the consul at Nassau and others, that certain bonds given to the collector for shipments to Nassau, N. P., have not been cancelled, and which I regard as satisfactory.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. W. M. H. SEWARD,
Secretary of State.

Mr. Barney to Mr Chase.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, June 23, 1863.

SIR: Begging leave to refer you to my letter of the 27th of May, in regard to the cancellation of bonds taken upon shipments of merchandise to Nassau, N. P., I will now make a further report upon that subject.

The bonds, under consideration, are taken by me by virtue of the act of Congress of May 20, 1862, and the instructions of the Treasury Department based thereon, bearing date May 23, 1862, and the circular regulations of that department, bearing date, respectively, August 28, 1862, and May 31, 1863. It will be borne in mind that the authority of collectors of customs for exacting this class of bonds does not rest solely upon the instructions of the Treasury Department, but is expressly conferred by the act above cited.

In conformity with these instructions and regulations, and by virtue of the authority conferred by this act, this office has been in the practice of requiring bonds upon shipments from this port to Nassau for a little more than a year past. It has been impelled to do so, because it has had ample reasons for believing that portions of the merchandise sent from New York to Nassau was destined to take its chances of reaching the insurgent States by breaking the blockade, and that, in some cases, arrangements to effect that object had been actually entered into by persons shipping goods from this port.

The principal condition in these bonds is, that the cargo shall be delivered at the destination for which it is cleared, and that no part of it shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States. This condition is enjoined by statute; and, obviously, it cannot be completely performed until all the merchandise is actually consumed.

For the convenience of shippers, and in conformity with the practice under the warehouse system, a clause was inserted in the bonds, requiring the obligors to furnish proof, satisfactorily to the collector, by consular certificate or otherwise, of the landing and entry of the merchandise for consumption at the ostensible port of destination. It was not originally contemplated that this proof by certificate or otherwise should apply to any other condition of the bonds than the one specified, and especially not to the principal condition, which was to remain in force until all the merchandise had been consumed.

After this office had been taking these bonds for some two months, certain shippers to Nassau produced to me certificates from the United States consul at that place, of the tenor of the copy (omitting names and date) hereunto annexed, and marked A.

On presenting these certifications, obligors requested me to cancel their bonds upon the faith of the statements contained in the certificates. I declined to do so, unless so authorized by the Secretary of the Treasury. After a correspondence, in which a certificate of the exact wording of the copy marked A was forwarded to the Treasury Department, I was empowered, on the presentation

of that form of certificate, to write the word "*Cancelled*" across the face of the bonds.

It is within the knowledge of this office that the main ground upon which the collector was authorized to cancel these bonds was the recital in that part of the certificate where the consul declares that, "to the best of *my (his)* belief, the goods were not to be used in any way to aid and comfort the rebels."

This form of certificate continued to be forwarded to this office by the consul from July or August, 1862, till some time in January or February, 1863, and during this period all bonds were promptly cancelled on the production of these certificates, and in no case has there been a refusal to do so.

In the mean time, trade between New York and Nassau continued to increase steadily and largely, and the fact that there was a systematic running of the blockade by vessels from Nassau became more and more notorious; and it so happened that much of this increase of trade from New York to Nassau was in kinds of merchandise adapted to the wants of the insurgents.

It was at this juncture, when this office had been stimulated by these facts to extraordinary caution, the late consul at Nassau, without notice to this office, changed the form of these certificates in an essential particular. He declined to certify anything as to *his own* belief concerning the ultimate destination of merchandise; thus altering that clause in the certificates, upon which the Treasury Department and the custom-house had placed their main reliance. Instead of continuing "to certify that, in *my (his)* belief," the goods were not destined to go to the rebels, he now merely stated that *the consignee* had made oath to *his* belief in the matter—a party who, for aught that appeared, might be unknown to the consul, or be untrustworthy, or even be engaged in breaking the blockade. This essential change arrested the attention, not to say aroused the suspicion, of this office; and upon due reflection, no bond was thenceforward cancelled solely upon the faith of this new form of certificate, though many have been cancelled when the statements in the certificate have been strengthened by confirmatory proof—such evidence being received under that clause in the bonds, which provides that the proof may be by consular certificate or otherwise.

It will be seen, therefore, that the consul at Nassau and the governor of the Bahamas, and the Nassau memorialists, (whose communication you have forwarded to me,) are in error when they say that this office has refused to cancel bonds upon the production of such consular certificates as had formerly been deemed sufficient for that purpose, and which had been framed by, and received the sanction of, the United States government.

I may remark in this connexion, that all the embarrassments and misunderstandings which have surrounded this matter seem to me to have arisen out of the sudden and unexplained change in the form of these certificates, as above mentioned.

Since my letter to you of May 27, some obligors, whose bonds had not been heretofore cancelled, have produced to this office certificates from the present consul at Nassau, a copy of which (omitting names and dates) is hereto annexed and marked B.

It seems to me that this amended form of certificate is quite as broad and satisfactory as that originally issued, and I have, therefore, not hesitated to cancel all bonds where this kind of certificate has been produced, and with your approbation, except in cases where I have ample proof that some essential condition of a bond has been violated, shall continue to do so.

This office has learned from the present consul at Nassau that he shall, in all cases where he consistently can, continue to issue this form of certificate. This course would, in my judgment, relieve the subject of nearly all its embarrassments. If, unfortunately, any cases should hereafter arise in which parties shall decline to furnish the consul with facts on which to base his certificates, and in which no proof shall be presented to this office warranting the cancella-

tion of the bonds, such cases might be disposed of as justice and national comity seemed to demand.

In regard to bonds upon shipments to Nassau which remain uncanceled, and in which the time for producing the consular certificate has expired, I would say that the number is not large; and inasmuch as this office is in the daily receipt of the amended form of certificates applicable to these bonds, (the consul having given them in exchange for the defective form,) and as obligors are constantly availing themselves of my offer to receive other proof adapted to meet the conditions of the bonds, their number is so rapidly diminishing that, ere long, doubtless all such, or nearly all, will have been cancelled.

I therefore, with your permission, will defer for the present a detailed statement in regard to bonds remaining uncanceled. If, after waiting a reasonable time, any of this class of bonds still remain undisposed of, I will report that fact to you, and await your instructions.

I need not add that if the Treasury Department should, under all the circumstances, instruct this office to cancel the bonds upon the production of certificates, of the form heretofore deemed unsatisfactory, it will be promptly done.

The documents enclosed in your several letters of 21st and 23d ultimo on this subject are herewith returned.

I am, very respectfully, your obedient servant,

HIRAM BARNEY, *Collector.*

Hon. S. P. CHASE,
Secretary of the Treasury.

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A.

UNITED STATES CONSULATE,
Nassau, N. P., December 19, 1862.

I, Samuel Whiting, United States consul at Nassau, N. P., do hereby certify that all the articles imported by ———, of Nassau, N. P., and shipped by ———, of New York, in the brig ———, from New York to Nassau, N. P., on or about the — day of —, A. D. 1862, have been duly entered and the duties thereon paid at the custom-house here; that the consignee has testified, under oath before me, that the said articles were all imported in good faith for home consumption in the Bahamas; and that to the best of *my* belief they are not to be used in any way to aid and comfort those now in rebellion against the federal government of the United States of America.

[CONSULAR SEAL.] Given under my hand and consular seal at Nassau, N. P.,
this — day —, 1862.

—————,
United States Consul.

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B.

UNITED STATES CONSULATE,
Nassau, N. P., June 4, 1863.

I, S. C. Hawley, consul of the United States of America at Nassau, N. P., do hereby certify that the goods and property mentioned and described in the affidavit and schedule hereto annexed have been landed at the port of Nassau, N. P., and entered at the custom-house here, and the duties thereon paid at the said custom-house, as appears by the certificate of the custom-house officer and the affidavit hereto annexed.

I do further certify that the said goods and property were imported solely for sale and consumption in the Bahamas, and have not been, nor are they in.

tended to be sold, exported to, or used to aid or comfort any person, place, port, state, or country in rebellion against the government of the United States of America, as appears by the affidavit hereto annexed.

In witness, I, the said consul, have hereunto set my hand
[CONSULAR SEAL.] and affixed the seal of this consulate this 4th day of
June, 1863.

United States Consul.

Mr. Barney to Mr. Chase.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, May 27, 1863.

SIR: I have received your letters of May 21 and of May 23, with their several enclosures, relating to bonds taken by this office upon the shipment of merchandise, from time to time, from this port to Nassau, N. P., and, especially, relating to the alleged refusal of this office to cancel certain of these bonds, by virtue of certificates issued by the United States consul at Nassau, with the request, in substance, that I would report to you fully upon all the matters involved, and give in detail my action in the several cases, with my reasons therefor, at my earliest convenience.

I beg now to reply, that the nature and importance of the subject demand, and a full compliance with your request will involve, a somewhat extended examination, and a somewhat elaborate statement of facts pertaining to this matter. To do this will make it necessary to defer for a short time (perhaps for a few days) a complete answer to your letters, with their respective enclosures, which will be made as soon as it can be prepared.

In the mean time I beg leave to say, in the most explicit terms, that this office has not refused, in a single instance, to cancel any bond taken here for shipments of merchandise to Nassau, upon the production to me of consular certificates of the form and character sanctioned by the Treasury Department, in August last, and upon the faith of which the collector of this port was authorized and directed to write the word "*Cancelled*" across the face of this class of bonds. On the other hand, in every instance where such certificates have been produced to me, with the request of the parties interested to have their bonds thus cancelled, it has invariably and promptly been done. The statements to the contrary, made by the United States consul at Nassau and the governor of the Bahama islands, and the Nassau memorialists, (enclosed in your letter to me,) are based upon an entire misapprehension of the facts in the case. This office has always and in every instance carried out, with the utmost liberality towards shippers of merchandise to the Bahamas, the letter and spirit of the instructions above mentioned. The truth is, the consul at Nassau, some time during the past winter, changed the form of these certificates in an essential particular, and thus took them out of the reach of the letter and spirit of these instructions, thus leaving me and these shippers in a position which has led to much misunderstanding and embarrassment. In fine, if this matter were, in respect to those certificates, to be now placed upon the basis where it originally and for many months reposed, nearly all the difficulties that environ it would, in my judgment, be removed.

Deferring, for the reasons already stated, a full reply to your letters, and their several enclosures, I remain, your obedient servant,

HIRAM BARNEY, *Collector*

HON. S. P. CHASE,
Secretary of the Treasury.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, July 23, 1863.

MY LORD: I have the honor to acknowledge the receipt of the note which your lordship addressed to me on the 15th instant, and which discusses questions that arise out of the capture of the *Granite City* and the *Tampico*.

That the government of the captor may, in some cases, *previous to condemnation*, appropriate to itself the vessel before formal condemnation, holding itself responsible for the full value, if final condemnation shall not pass, is a well-settled principle of admiralty law, practiced upon by all nations. That in the absence of any recognized rule determining the circumstances under which captured vessels may be so appropriated, each State may, within certain limits, fix a rule by its own legislation, seems also to be admitted; for that is the course which Great Britain has adopted. The Constitution of the United States expressly confers upon Congress power to legislate in such cases. Congress has exercised this power. The question which her Majesty's government have raised, namely, whether in this act, so construed as to apply to vessels of neutral States, Congress has infringed on the law of nations, has been submitted by this department to the Attorney General of the United States, who is the legal adviser of the government. Your lordship's note will be placed in his hands, and when I shall receive his opinion I shall be enabled to take the President's instructions for a resolution of the subject.

Your lordship's note further presents as an abuse of belligerent power an alleged practice, on the part of the naval officers of the United States, of detaining whole crews of captured vessels for a considerable period, and the capture of the *Tampico* is reported as a case in which this abuse was committed. I freely admit the principle of law upon which your lordship insists. I shall again call the attention of the Secretary of the Navy, with a view to enforcing this principle, if further instruction be necessary.

I have, however, to remark, in connexion with this point, that there has been, and there yet continues, a comprehensive and systematic attempt in Great Britain to violate the blockade of the insurrectionary ports, in derogation of the neutrality proclaimed by her Majesty's government, that very many vessels, issuing from ports in various parts of the British dominions, are constantly and indefatigably engaged in this undertaking, with all the advantages of large capital, great skill, and the cover of national neutrality. When one of their vessels is captured, her master and owners habitually make complaints to their government, which experience has proved in many cases exaggerated, and in some absolutely false. When the complaints are presented to this department, it requires some time to obtain such accurate reports, upon official investigation, as will enable the executive government to decide, advisedly, upon the merit of the complaints. These facts are stated, not for the purpose of claiming an exemption from a just liability of the government, or to excuse it from making the most prompt and searching inquiry, but simply to show that, while the case is under examination here, it will be unsafe to assume the interested statements of captured parties as conclusive. I am sure that her Majesty's government are content to abide by the laws of nations in regard to these frequent and embarrassing complaints. I should be doing great injustice to your lordship, if I were not to confess that, personally, you have conducted them, on your side, with great courtesy and kindness. I am sure, also, that it has been the endeavor of this government to reciprocate these good and friendly dispositions. I am not aware of any one important point in regard to the exercise of belligerent right of capture, in which full and yet precise instructions have not been given by the Secretary of the Navy, nor of any well-established case of departure from these

instructions in which a proper remedy has not been applied. But the unsatisfactory condition of the correspondence between us, on this subject, has now attracted the special attention of this department; and I have the pleasure to say that, hereafter, there will be renewed efforts to guard against a necessity for complaints, so far as possible, and to examine them when made, and apply the proper remedies when established. I have no doubt that, on the part of your government, there will be practiced a due caution in weighing the complaints before presenting them, and in considering the answers to them, and so the President trusts that further embarrassments and complications will be avoided.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, July 25, 1863.

SIR: Her Majesty's government have carefully considered the request conveyed by your note to me of the 23d May last, that a United States expedition about to set out for the northern frontier might be authorized to cross the British boundary in pursuit of hostile Indians.

Her Majesty's government having given the subject their best attention, find that there are so many objections to allowing hostile operations against the Indians to be carried on within the Queen's dominions, that they feel obliged to desire me to inform you, that, for various reasons, the request cannot be acceded to.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, July 27, 1863.

SIR: With reference to my note of the 21st instant, and to your answer of the 24th instant, I have the honor to transmit to you a letter which I have received from a Mr. George Kilpatrick, and which appears to confirm the allegation that aliens are held by the federal officers at Louisville, in Kentucky, to be liable to perform military service.

I trust that you will deem it right to call the attention of the proper authority to the subject without delay, and to inform me of the result.

I have the honor to be, with the highest respect, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

George Kilpatrick to Lord Lyons.

LOUISVILLE, July 20, 1863.

MY LORD: I have been for the past four months residing in the United States and in the city of Louisville, State of Kentucky. This city is now under martial law, and, by a military order, all the "citizens" are ordered to enrol

and drill, under penalty of incarceration in case of non-compliance. Offices were established at which "aliens" could procure certificates of exemption, one of which I obtained. A subsequent order revoked all such exemptions, and said that only the "following persons" should be entitled to exemption, among which class aliens are not included. I desire to know whether I am in any way liable for not complying with said order.

I have not been interfered with so far, but there are British subjects here who have applied for exemption papers and have been refused, and told them, as Great Britain does not afford them protection from the rebels, they are liable in connexion with citizens for the defence of the city and State.

If interfered with, what protestation is it advisable to make, and what course proper to pursue?

An early reply solicited. I have, &c.,

GEORGE KILPATRICK.

LORD LYONS, *G. C. B., &c., &c., &c.*

Lord Lyons to Mr. Seward.

WASHINGTON, August 1, 1863.

SIR: Her Majesty's government have taken into consideration the note which you addressed on the 21st May last to Monsieur Tassara, envoy extraordinary and minister plenipotentiary of the Queen of Spain, and which you requested me to receive as conveying the opinions of the government of the United States, upon the claims presented in behalf of British subjects, on account of the outrage committed on the "Blanche" off the coast of Cuba.

Her Majesty's government have directed me to state to you, in reply, that it is to be observed that the intentional violation of the neutral waters of Spain by the United States Commander Hunter is, at least, recognized, not only by the terms of your note, but by the dismissal of the officer who was guilty of it from the service of the United States.

With respect, however, to that part of the note in which you mention the evidence taken before the United States court-martial, and to the conclusions which you found upon it. Her Majesty's government, having taken no part in those proceedings, cannot admit that the evidence formerly laid before the United States government by her Majesty's government, as to the circumstance of the seizure and destruction of the vessel, is at all displaced by those proceedings; and her Majesty's government still adhere to the opinion that the "Blanche," thus seized in plain and intentional violation of international law, was also destroyed by the wrong-doers upon that occasion.

In the presence of contradictory statements on the one side and on the other, with reference to this part of the subject, it seems to her Majesty's government sufficient to remark that the destruction of the vessel would certainly never have occurred but for the wrongful and violent attempt of Commander Hunter to seize her, in avowed contempt of international law, within Spanish waters; that even if she were actually fired, under these circumstances, by her own crew, the responsibility of the wrong-doer, for this consequence of his unlawful act, would remain the same, and that no presumption can be admitted as to any doubtful question of fact in favor of the aggressors in such a case. The practical question appears to her Majesty's government to be, whether the United States government is internationally responsible for the loss sustained by the injured parties, and her Majesty's government cannot treat this as an open or doubtful question.

A subject remains which is, in the opinion of her Majesty's government, of the gravest importance. Her Majesty's government observe that you express

your formal opinion that the *Blanche* was "an American vessel lawfully belonging to American citizens, from whom she had been piratically taken by armed insurgents of the United States, and that she was in possession of such insurgents at the time of her destruction, and that her cargo also belonged not to British subjects but to such insurgents."

Her Majesty's government have in vain endeavored to discover the grounds on which you rest this assertion, either from your note to Monsieur Tassara, of the 21st ultimo, itself, or from the correspondence and proceedings of the court-martial on Captain Hunter, as printed by the authority of the United States government. By the documents (at pages 134 to 138, inclusive, of the printed correspondence) it clearly appears that the ship in question, which had previously been navigated as confederate property, under the name of the *General Rusk*, was, on the 31st July, 1862, transferred at Havana, by bill of sale, under a regular power of attorney, from W. L. Smith, of Galveston, her confederate owner, to Mr. George Wigg, of Liverpool, a British subject, for the valuable consideration of fifty thousand dollars; and that she received on the same day from the British consul at Havana a temporary certificate of registry as a British ship, in accordance with the provisions of the merchant shipping act, 17 and 18 Victoria, ch. 104, sec. 54.

It further appears that she was, from that time until she was destroyed, navigated under the name of the *Blanche*, as a British ship with British papers. Nothing whatever appears in the printed correspondence, or in any other of the documents forwarded to her Majesty's government, as to her prior history; and if at any earlier period she was owned by citizens of the United States, there is a total absence of particulars and of evidence as to the fact of such ownership; and also as to the circumstances under which the ship afterwards came into the hands of W. L. Smith, who sold her to her British owner.

The papers referred to, and the actual possession of the ship under them, establish a clear case of British ownership, which at present there appears to be nothing whatever, beyond the bare assertion contained in your note, to displace; and her Majesty's government cannot for a moment acquiesce upon this bare assertion, in the refusal of the United States government to recognize such British ownership, and the claims to compensation thence arising.

Her Majesty's government observe, further, that in the proceedings before the court-martial no evidence was offered on this subject, except the statements, almost entirely hearsay, of a single witness, James Speirs, who appears to have been a fireman on board the *Blanche*, and who took upon himself to state his belief as to the *nationality* of the captain, officers and crew, making out the captain to be, "as he understood," an American, and the rest of the crew men of various nations, with only one Englishman and three Irishmen. In answer to questions put to him he added, that "*he had heard it said*" that "before she began to run the blockade she was a rebel gunboat;" that "*he had heard it said*" she was owned by a man of the name of Morgan, in New York—he "*heard this* while on board of her;" and he gave an account of a transaction which he represented to have taken place while she was at Port Lavaca, in Texas, which, if true, amounted to no more than this, that some confederate soldiers there took temporary possession of her, turning out her captain and crew and stores, with the view to make use of her for some warlike purpose, and that after keeping such possession for a week they gave her up again to the crew, who then proceeded to finish her lading with a cargo of cotton, (printed correspondence, pp. 313, 314.)

Her Majesty's government deem it impossible that any conclusion can be built upon this "evidence," if such it can be called, in opposition to the ship's papers and to her British register. Still less can they suppose that the United States government adopts the argument used by Commander Hunter in his defence, (printed correspondence, page 339,) that this was not a British ship; because

the act of the British Parliament, recognized by our Department of State as the one in force on the subject of provisional register, requires that the captain and three-fourths of the crew be native-born British subjects. Her Majesty's government presume that Commander Hunter was then referring to the act 12 and 13 Victoria, cap. 29, sec. 7, in ignorance that this statute had been repealed by the act 17 and 18 Victoria, cap. 120, and that the merchant shipping act 17 and 18 Victoria, cap. 104, (sections 17 to 54,) contains no similar requirements.

In the absence of any explanation of the real grounds on which the British ownership of the *Blanche* is disputed in your note, her Majesty's government can only conjecture that you may possibly be proceeding upon the same ground to which you made allusion in a conversation which I had the honor to hold with you in the month of December last, and that the facts on which your allegation is founded may, on further explanation, prove to be that this vessel, having been originally owned in the United States, was captured by the so-called confederates, and after being regularly condemned as lawful prize by a confederate prize court, was sold to the person by whom she was afterwards transferred to her present British owners. This would imply that the United States government refuses to recognize the validity of any sale made under a decree of a confederate prize court, and her Majesty's government observe that the same point seems to be indicated by that part of Commander Hunter's defence in which he suggested, for the decision of the court-martial, whether a transfer made by an insurgent in Havana could consistently with existing treaty provisions, *transfer stolen American property* to a British subject.

It being (as I have more than once, and especially in a conversation which took place in the month of March last, had the honor to state to you verbally) impossible for her Majesty's government to acquiesce in a pretension which they regard as contrary to the clearest principles of international law, they think it indispensably necessary that the title of the British purchaser of the *Blanche* should be maintained, and the question promptly brought to a distinct issue. The pretension would, in the opinion of her Majesty's government, amount to this, that the government of the United States, while it claimed from all neutral states the rights, would at the same time refuse to acknowledge the corresponding obligations of a belligerent power.

Having, in obedience to the commands of her Majesty's government, done myself the honor to address to you the foregoing representation, I beg you to accept the assurance of the high consideration with which I am, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 3, 1863.

SIR: I have the honor to submit to you a copy of a letter addressed to her Majesty's consul at New York, by Messrs. Tootal, Broadhurst & Lee, British merchants residing at that place. These merchants complain that they are required, on making shipment to Nassau, in the Bahamas, to give a bond that the goods shall be landed there and entered for consumption, and the duties paid upon them; and, moreover, that none of them shall be used to give aid and comfort to parties in rebellion against the United States.

The attention of her Majesty's government having been directed to this letter, they have desired me to make a fresh appeal to you on the subject of the interference of the United States government with the trade carried on between

New York and the Bahamas. In the hope that their former representations would not remain without effect, her Majesty's government refrained from continuing the controversy with the United States government on this matter; but finding that their expectation has been disappointed, they have instructed me to address this fresh remonstrance to you.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Tootal, Broadhurst & Lee to Consul at New York.

3 PARK PLACE,
New York, June 13, 1863.

SIR: On applying at the New York custom-house for a permit to reship some goods belonging to us, now lying in bonded store, to Nassau, we were given to understand that to do so we must give a bond, of which the enclosed is a form.

As British merchants, we feel that, according to the United States laws, we have a right to reship any goods we may have landed here and not entered for consumption in the United States, to any open port in the world we may choose, or find to be our interest to do, by giving the usual bond that they are really destined for the port for which they are cleared, which bond is cancelled on showing a certificate from the United States consul of such port that they have actually arrived.

You will see that in the bond enclosed, that we should bind ourselves that they should be entered for consumption at the port to which they are reshipped. Now, it may happen that on their arrival there the market may be such that it would be for our interest to reship them elsewhere. Under any circumstances we feel that we ought to have perfect liberty and control over them, either to reship, sell in bond, on duty paid, as best suits us. Believing such to be the case, we apply to you, as the proper authority, to see that our rights are not interfered with.

We are, &c., &c.,

TOOTAL, BROADHURST & LEE.

Her Britannic Majesty's CONSUL, at New York.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 3, 1863.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 1st instant, relative to complaints which have reached her Majesty's government concerning the proceedings of the United States consul at Bahia, and of the commander of the United States ship Mohican, with respect to a British merchant vessel named the Castor, which had made arrangements to supply the insurgent vessels Alabama and Georgia with coals, and to state that it will be taken into consideration.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 4, 1863.

MY LORD: Referring to your note of the 29th of April last, relative to the capture of the British steamer *Dolphin* by the United States ship *Wachusett*, and to my reply, I have the honor to enclose to you the copy of a communication of the 31st ultimo, addressed to this department by the Secretary of the Navy, which, it is believed, will be satisfactory.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT, July 31, 1863.

SIR: In a communication of her Majesty's representative, Lord Lyons, on the 29th of April last, a copy of which you did me the honor to transmit to this department on the 1st of May, complaint is made of the capture of the steamer *Dolphin*, and of the severe treatment of some of the officers of that vessel, particularly the chief engineer, who was put in irons, by the prize officer.

The court, the proper tribunal, has passed upon the validity of the capture of the *Dolphin*, and I have the honor to enclose to you a copy of the report of Acting Master Muldaw, who has recently returned, in relation to the conduct of the officers of the *Dolphin*, which compelled him to adopt rigid measures for his own security and the safety of the vessel intrusted to him. The necessity of extreme vigilance on the part of the officers in charge of the persons captured in attempts to violate our laws, evade the blockade, and furnish assistance to the insurgents, who are making war on the government, is great. These persons, engaged in illicit traffic and communication with rebel enemies, appeal to her Majesty's government when detected, and protest, with asseverations of injured innocence, against the treatment they receive. But we know, when, from mistaken confidence, our officers have relaxed their vigilance, and the prisoners have risen upon the prize crew and seized the captured vessel, there has been no relief to them in the British courts for mistaken kindness towards those whom they favored, and who took advantage of the favor extended.

The statement of Acting Master Muldaw will, I trust, prove satisfactory. He would not, I think, exercise severity without cause, and I cannot but approve his activity, vigilance, general intelligence and deportment, as an officer and gentleman, so far as they have come to my knowledge.

Very respectfully, &c.,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Muldaw to Mr. Welles.

UNITED STATES SHIP NORTH CAROLINA,
New York, July 23, 1863.

SIR: I have just received your communication of the 13th instant, enclosing letter to the department from Lord Lyons, in relation to the treatment of the

officers and crew of the prize steamer *Dolphin*, and beg leave to submit the following statement:

First, in relation to confining the chief engineer. I was told by the cook that he intended to disable the engine, and open some of the sea-cocks, should an opportunity occur; so I gave an order to Mr. Messenger, the engineer I had with me, not to allow him, or the fireman belonging to the vessel, in the engine-room. As soon as he heard of this, he was very abusive to Mr. Messenger, telling him that, if they wished to take the vessel away from us, they could do it easy enough, and talking in such a way as to convince me that he meditated mischief. I then determined to confine him, which I did in the *presence of the captain of the Dolphin, stating my reasons for so doing.*

The captain states, in his protest, that he found his chronometers, charts and instruments missing. *He threw them overboard himself*, thinking I would have to put back to St. Thomas with the vessel. He threw them overboard off the town of St. John's, Porto Rico, and I had to bring the vessel to Key West, about 900 miles, without instruments or charts. I was entirely alone, having but two engineers with me, who were engaged most all the time in the engine-room. My men did get drunk on the champagne which was stored in the forehold, notwithstanding I used every effort in my power to prevent it, both in closing and fastening the hatches, to severe punishments. I was nearly eight days on board the vessel, and had to be up *all the time.* I made up my mind there should be no Emilie St. Pierre case with the *Dolphin.* I could place no dependence on the men I had with me, but with two exceptions. I had the ship's papers in my possession, which I put in a bag and hung on the binnacle, giving orders to the man at the wheel not to allow any one but myself to touch them, he being armed with a pistol and cutlass. And I ordered him not to allow any of the *Dolphin* crew to come to the compass, and *to use their arms if occasion required.* This is the only harsh treatment or cruelty that occurred on board the vessel, and this was absolutely necessary.

We had heavy weather, and got out of coal; so I had to put into Havana. I there reported all the circumstances to Admiral Wilkes. There is no doubt in my mind that the captain and officers of the *Dolphin* did intend to attempt a recapture; and I beg leave here to testify to the energy, zeal, and untiring efforts of Mr. Messenger, second assistant engineer, United States navy. I think to him is due great credit for his management of an old engine and a leaky steamer, under very trying circumstances.

Hoping my explanation will meet with the approval of the department, I am, very respectfully, your obedient servant,

H. W. MULDAW, *Acting Master U. S. N.*
Late Prize Master, Steamer Dolphin.

Hon. GIDEON WELLES,
Secretary of the Navy, &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 4, 1863.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the reception of the note which was addressed to him by Lord Lyons, on the 1st of August instant, concerning the case of the steamer *General Rusk*, *alias* the *Blanche*.

The undersigned again admits, as he always heretofore admitted, that it has been established upon satisfactory evidence that Commander Hunter intention-

ally violated the maritime jurisdiction of Spain, for which he has deservedly received the censure of the government of the United States, as her Majesty's government have truly observed. Nevertheless, the undersigned cannot admit that that intentional wrong, committed by a subordinate naval agent of this government, against the sovereignty of Spain, has created, or at all affects, any liability against the United States to indemnify the alleged masters and owners of the steamer General Rusk and her cargo beyond the injuries which the officers and crew of the United States war steamer actually inflicted upon the vessel and cargo. The undersigned thinks it sufficiently proven, however, that the loss of the General Rusk and her cargo resulted entirely from the misconduct of her own master and seamen. But while holding the testimony, taken on the trial of Captain Hunter, as sufficiently establishing this fact, in the absence of rebutting proof to be produced in behalf of the master and owners, the undersigned is far from maintaining that the British government, or the master and owners, are concluded against showing that evidence to be either erroneous or false. On the one side, the claimants have produced *ex parte* proofs. The United States have replied by *ex parte* proofs, not, however, without inviting the claimants, through her Majesty's government, to attend the examination of the witnesses. The case still remains open to either party to supply such further evidence as it can procure.

Nor can the undersigned admit the principle which seems to be advanced by her Majesty's government, that Captain Hunter, by merely chasing the General Rusk and her cargo into Spanish waters, made this government liable for the loss of the vessel and cargo, even though it resulted from an accidental fire, or from an act of incendiarism of the captain and crew of the General Rusk. A loss occurring in either of these ways was no legitimate consequence of the pursuit or of the boarding of the vessel within the maritime jurisdiction of a friendly power.

The undersigned further thinks that the evidence which was taken on the trial of Captain Hunter shows that Clements and his associates are disloyal citizens of the United States; that they are not, and never were, subjects of Great Britain; that the alleged transfer of the General Rusk was manifestly fraudulent, being attended with no change of possession or payment of consideration money, besides many significant badges of actual fraud, and that the pretence was made simply for the purpose of fraudulently assuming a British character and the protection of a British flag. The undersigned feels assured that her Majesty's government, upon a careful review of the subject, will disclaim, instead of sustaining, such an unprincipled and mischievous transaction.

In the view which the undersigned has taken it has not been necessary to decide a question which her Majesty's government has intimated as arising in the case, namely, whether a condemnation by a pretended prize court in the insurgent States would operate to change the property of the General Rusk. It is enough to say that the undersigned is not aware that any such pretended sentence or judgment has been thus far shown to have been passed, and no such court has been shown to exist. The General Rusk was notoriously an American vessel, and it is not satisfactorily shown in the case that the title in her has ever been, in good faith, lawfully vested in any subject of Great Britain. At the same time, it is hardly necessary for the undersigned to remark that the United States have never assented to the position which her Majesty's government assumes, namely, that the insurgents are a lawful belligerent, and consequently, the United States insist that, as between those insurgents and the United States, all such proceedings of their pretended authorities are simply illegal and void.

In regard to the alleged transfer of the General Rusk to a British subject, the undersigned will add that the judge of the United States for the southern district of Florida has recently decided in two cases very similar in their circumstances, namely, that of the Emma and her cargo, and that of the Florida, that

such a transfer, though apparently regular, is, in point of fact, collusive, and therefore a fraud upon the belligerent right of this government under the law of nations.

The undersigned avails himself of this opportunity to renew to Lord Lyons the assurance of his high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

P. S.—As a proof of at least the domicile of Clement, in Texas, the undersigned has the honor to subjoin a transcript of a business card of that person, which he delivered to Commander Hunter:

ROBERT F. CLEMENT,
 WHOLESALE AND RETAIL GROCER.
 —————
 COEN & CLEMENT,
 FORWARDING AND COMMISSION MERCHANTS,
 (Opposite New Wharf,)
 INDIANOLA, TEXAS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
 Washington, August 5, 1863.

MY LORD: Referring to your communication of the 1st instant, touching the proceedings of the United States consul at Bahia, and of the commander of the United States ship Mohican, with regard to a British merchant vessel named the Castor, I have the honor to inform you that no time has been lost by me in communicating to Mr. Wilson, the consul of the United States at Bahia, a copy of Consul Morgan's despatch to Earl Russell, and of the protest of Thomas Stevenson, which accompanied your note. Mr. Wilson has also been directed to transmit to this department, without delay, an account of his proceedings in the case, and he has, at the same time, been enjoined to practice caution in all his proceedings in future. Your communication, moreover, has been submitted to the consideration of the Secretary of the Navy, with a view to an inquiry concerning the conduct of the commander of the Mohican; and I beg leave to assure your lordship that the laws of neutral ports will be respected by the officers of this government.

I have the honor to be, with high consideration, your lordship's obedient servant,
 WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Lord Lyons to Mr. Seward.

WASHINGTON, August 7, 1863.

SIR: A British schooner, the Clyde, was captured in the month of April last by the United States ship Sonora, and sent into Key West for adjudication. It has been reported to her Majesty's government that the cause of the seizure of this vessel was a suspicion that she had confederate property on board; and as this, if true, would seem to bespeak an intention to depart from the principle now generally established with respect to enemy's goods found in neutral bot-

toms, her Majesty's government deem it important that no time should be lost in asking for explanations from the government of the United States.

Her Majesty's government are aware that the United States government has not bound itself by a declaration in writing to adhere to the principles of the Declaration of Paris, but the doctrines professed of old by the United States government on the subject, as well as the assurances recently given, have necessarily been taken by neutral powers as constituting a formal announcement that those principles would be acted upon by the United States during the present war.

Her Majesty's government have, consequently, instructed me not to wait for the decision of the prize court in the case of the Clyde, but to represent at once to you that her Majesty's government feel that they should have reason to complain if, after what has passed, these principles were disregarded by the United States cruisers or in the United States prize courts, without some reasonable notice of an intention to depart from the understanding which was supposed to have been established.

Her Majesty's government consider it the more necessary to call the attention of the United States government to this matter without loss of time, because it appears by a report recently received by them from the British vice-consul at Key West that the prize court at that place does intend to decree the confiscation of goods taken on board the neutral vessel Clyde if they shall appear to be enemy's property.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 8, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 4th instant, communicating additional evidence in support of the claim against this government on account of the seizure of the British schooner Golden Eagle, of Nassau, New Providence, and to state, in reply, that the attention of the Secretary of the Navy will be invited to it; and he will be asked for his views, regarding the manner of ascertaining and paying the amount of indemnity which may be found due to the parties aggrieved.

The original papers which accompanied your note are herewith returned to you.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 10, 1863.

MY LORD: In your note of the 17th of June last, which has been received, your lordship inquires whether it would be agreeable to this government if a proclamation should be made by the governor of British Honduras, under the provisions of an act of the legislature of that colony, declaring that Boston, New

York, and Philadelphia, are regarded as ports of emigration, with a view to canvass for an emigration of colored laborers from the United States.

Having taken the directions of the President, I have to inform your lordship that this government interposes no objection to the voluntary immigration of persons of the class described, and of course none to the proclamation proposed.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 10, 1863.

SIR: I beg to offer you my thanks for the note which you have done me the honor to write to me to-day, in answer to the note dated the 17th of June last, in which I inquired whether it would be in harmony with the views of the government of the United States that the lieutenant governor of Honduras should proclaim the ports of Boston, New York, and Philadelphia, as ports of emigration, under an act of the colonial legislature, of which I submitted a copy to you.

You are so good as to inform me that the government of the United States interposes no objection to the proclamation proposed. I purpose to communicate this information, without delay, to the proper colonial authority, and to add that I am not aware of any reason why the lieutenant governor should not proceed to proclaim the three ports.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 12, 1863.

SIR: Her Majesty's consul at New York having represented to me that he has been requested by the parties at that place interested in the prize vessel Peterhoff to solicit my interposition with the United States government with a view to obtain a delay in the sale of that vessel and its cargo until appeal can be had to the Supreme Court of the United States, I do myself the honor to ask you to take the subject into consideration.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 12, 1863.

SIR: Her Majesty's consul at New York having represented to me that he has been requested by the parties at that place interested in the prize vessel Springbok to solicit my interposition with the United States government

a view to obtain a delay in the sale of that vessel and its cargo until appeal can be had to the Supreme Court, I have the honor to ask you to take the subject into consideration.

I have the honor to be, with high consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, August 13, 1863.

SIR: Her Majesty's government have had under their consideration the correspondence which I held with you in the months of April, May, and June last, respecting the case of Mr. Harcastle, a British subject, who was killed while incarcerated in the Old Capitol or Carroll prison by a shot fired by a sentry.

Her Majesty's government have good grounds for believing that the lamentable death of Mr. Harcastle is sincerely regretted by the United States authorities, and that a proper and bona fide inquiry will be made into the circumstances, with a view to the punishment of the person guilty of the homicide, if it shall appear that the shot which caused it was fired without justifying cause.

Her Majesty's government cannot, however, abstain from remarking that this unhappy occurrence makes it, in their opinion, only the more necessary to ask the government of the United States for some explanation in justification of the imprisonment of Mr. Harcastle; as her Majesty's government understand the facts, this unfortunate man was permitted by the United States authorities to cross the lines from the territory held by the so-called confederates openly, under a flag of truce, was then arrested as a prisoner of war for so doing, and was detained in a military prison, where he met his death.

Such treatment of a foreigner, coming into the United States territory under a flag of truce, and accused of no civil offence, has the appearance of a violation of good faith, and her Majesty's government are at a loss to understand how it can be satisfactorily accounted for. Her Majesty's government think, also, that the facts stated in the letter of Captain Nix, dated the 25th May, a copy of which you did me the honor to transmit to me with your note of the 18th of June, cannot be suffered to pass without grave remonstrance. It would appear that, in consequence of the prison, called the Carroll prison, being situated in a public avenue, and otherwise ill adapted to the purposes for which it is used, the sentinels guarding the outer walls of that prison have received orders to warn all prisoners to keep their heads within the windows, and if the prisoners persist in disobeying, to fire their pieces.

These orders, which, if the account given in the same letter be correct, were too faithfully obeyed, were apparently the cause of Mr. Harcastle's death, although he was not the prisoner whose head was put out of the window.

It seems to her Majesty's government to be hardly possible that, under such circumstances, the sentinel can justly be found liable to any punishment; the blame seems really to rest with the superior authorities, by whom such unjustifiable instructions were issued.

The whole case leaves a very painful impression upon the minds of her Majesty's government. The liberty of a British subject was, they conceive, interfered with, without any serious cause, and in apparent breach of good faith. The representations of her Majesty's legation in his behalf did not procure his release; and in the end his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline, excused on the ground of the unsuitableness and the overcrowded state of the United States

military prisons. Her Majesty's government have, accordingly, deemed it necessary to direct me to address to you the foregoing representation concerning this lamentable affair.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, August 13, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 7th instant, which relates to the capture of the Clyde, a British schooner, in May last, by the United States ship Sonora. You inform me that the Clyde was taken into Key West, and that it has been reported to her Majesty's government that the cause of the seizure was suspicion that she had, what your lordship calls, confederate property on board; and that you are, therefore, requested to inquire whether the government of the United States has decided not to adhere to the principles of maritime war which were adopted by the congress of Paris.

In a despatch sent to Mr. Adams, of the 7th of September, 1861, Diplomatic Correspondence, 1861, No. 83, he was authorized to say to her Majesty's government as follows:

"Regarding this negotiation as at an end, the question arises, What, then, are to be the views and policy of the United States in regard to the rights of neutrals in maritime war in the present case? My previous despatches have no uncertainty upon that point. We regard Great Britain as a friend. Her Majesty's flag, according to our traditional principles, covers enemy's goods not contraband of war. Goods of her Majesty's subjects, not contraband of war, are exempt from confiscation, though found under a neutral or disloyal flag. No depredations shall be committed by our naval forces, or by those of any of our citizens, so far as we can prevent it, upon the vessels or property of British subjects. Our blockade, being effective, must be respected.

"The unfortunate failure of our negotiations to amend the law of nations in regard to maritime war does not make us enemies, although, if they had been successful, we should have, perhaps, been more assured friends."

The government of the United States still adheres to the policy laid down in the instructions which I have recited.

It has no special information of the grounds of the capture of the Clyde, and it is inclined to doubt the accuracy of the report to which your lordship alludes. To guard, however, against the possibility of misapprehension on the subject, a copy of that note will be transmitted by the Attorney General to the several prosecuting officers of the prize courts for their information.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 14, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 12th instant, soliciting a delay in the sale of the prize vessel *Peterhoff* and its cargo until appeal can be had to the Supreme Court, and to state that the matter has been referred to the Secretary of the Navy.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS.

Another note was addressed to Lord Lyons, of the same date and in the same words as the above, relative to the *Springbok*.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, August 14, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, in which, under the instructions of your government, a representation is made to me concerning the unfortunate affair which resulted in the death of Mr. *Hardcastle*, in the Old Capitol prison, and to state that it will receive attention.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS.

Mr. Stuart to Mr. Seward.

WASHINGTON, August 17, 1863.

SIR: I have the honor to represent to you that, according to information which I have received from her Majesty's consul at New York, it appears that the British steamer *Emma* has been appropriated for the United States naval service while awaiting the adjudication of the prize court and before condemnation.

Hoping that you will direct your early attention to this matter, I avail myself of this occasion to renew to you, sir, the assurance of my high consideration.

W. STUART.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. F. W. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
Washington, August 18, 1863.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, relative to the appropriation by this government, for the United States naval

service, of the British steamer Emma, while awaiting the adjudication of the prize court, and before condemnation, and to state that the matter has been referred to the Secretary of the Navy.

I have the honor to be, with high consideration, sir, your obedient servant,
 F. W. SEWARD,
Acting Secretary.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. F. W. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
 Washington, August 19, 1863.

SIR: In reply to the letter of this department, which was accompanied by a copy of Lord Lyons's two notes of the 12th instant, asking a delay in the sale of the prize vessels Springbok and Peterhoff, and their cargoes, until an appeal can be had to the Supreme Court, the Secretary of the Navy represents that the subject is in the hands of the judiciary.

I have the honor to be, with high consideration, sir, your obedient servant,
 F. W. SEWARD,
Acting Secretary of State.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
 Washington, September 12, 1863.

SIR: I have the honor to acknowledge the receipt of your memorandum of the 10th instant, relative to the case of Mr. J. M. Vernon, and to state that the attention of the Secretary of War has been invited to it.

I have the honor to be, with high consideration, sir, your obedient servant,
 WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, September 12, 1863.

SIR: Lord Lyons had the honor to receive and to communicate to her Majesty's government a note which you addressed to him on the 16th of June last, relative to the circumstances under which the steamer Margaret and Jessie was chased by the United States gunboat Rhode Island, and driven on shore on the coast of Eleuthera, on the 30th of May last. You stated in that note that the commander of the Rhode Island had reported to the United States consul at Nassau that he did not chase the Margaret and Jessie within British jurisdiction; and whilst expressing your belief in Captain Trenchard's statement, you concluded by assuring Lord Lyons that if it should appear that any act of hostility or of power was committed within the marine jurisdiction of Great Britain, the act would be disavowed, and ample redress would be promptly given.

I have now the honor to inform you that the evidence which has since been laid before her Majesty's government seems to put beyond all doubt the fact, that a very grave violation of international law and of the Queen's territorial

rights and jurisdiction was committed upon the occasion in question; and that I have, consequently, been instructed to press for immediate explanations from the United States government.

The fact, which appears certain, that the shot and shell of the United States war steamer repeatedly struck the shore and objects on the shore of her Majesty's territory, makes it very difficult to understand how the captain of that vessel could have honestly reported "that he did not chase the Margaret and Jessie within British jurisdiction."

Unless the captain of the war steamer can rebut this testimony, which does not appear possible, her Majesty's government will, of course, expect that the redress which is usual in such cases of violation of territorial rights and jurisdiction will be promptly given by the United States government, as announced by you in your note above mentioned.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

W. STUART.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, September 15, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 12th instant, relative to the chasing and driving on shore on the western coast of the island Eleuthera, in the Bahamas, of the steamer Margaret and Jessie by the United States gunboat Rhode Island in the month of May last, and to state that the Secretary of the Navy has been called upon for information on the subject, and that the government will lose no time in ascertaining the merits of the case, and rendering such decision upon it as justice and the law of nations require.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, September 16, 1863.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, relative to a supposed very great violation of neutral rights committed by the United States cruiser Kearsarge, in the case of the British steamer Juno, and to state that the Secretary of the Navy has been called upon for information on the subject.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon WILLIAM STUART, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, September 22, 1863.

SIR: The Secretary of the Navy, to whom was communicated a copy of your note of the 12th instant, relative to the circumstances under which the steamer

Margaret and Jessie was chased by the United States gunboat Rhode Island and driven on shore on the coast of Eleuthera in the month of May last, requests that the Navy Department may be supplied with a copy of the testimony referred to in your note as having been laid before her Majesty's government, in order that an opportunity may be offered to the accused party to rebut it before a court-martial or court of inquiry, as may be directed. I have accordingly the honor to request that you will be so good as to furnish me with a copy of the evidence in question for communication to Mr. Welles.

I have the honor to be, with high consideration, sir, your obedient servant,
WILLIAM H. SEWARD.

Hon. WILLIAM STUART &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, September 23, 1863.

SIR: I have the honor to acknowledge the receipt of your note of yesterday, in which you request to be furnished with a copy of the evidence laid before her Majesty's government, relative to the circumstances under which the steamer Margaret and Jessie was chased by the United States gunboat Rhode Island and driven on shore on the coast of Eleuthera in the month of May last, in order that an opportunity may be afforded to the accused party to rebut that evidence before a court-martial or court of inquiry, as may be directed.

As the evidence in question has not been forwarded to me, I am unable, at present, to comply with your request, but I shall not fail to communicate a copy of your note to Earl Russell by the first opportunity.

I avail myself of this opportunity to renew to you the assurance of my highest consideration.

W. STUART.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, September 24, 1863.

SIR: In the note which you addressed to Lord Lyons on the 9th of April last, relative to the steamer Labuan, you did him the honor to inform him that the district attorney at New York would be immediately instructed to give notice to the claimants or their counsel, as he might be able, of an early day when he would move the court to proceed to consider and determine what damages and what costs should be awarded to the claimants of the ship Labuan and her cargo for her unlawful seizure, and to place before the court, on that occasion, all the proofs which have been furnished to the United States government by her Majesty's government; and that, in pursuance of such notice, the district attorney would be instructed to prosecute the question of damages and costs to a decision, whether the claimants appear or not.

It appears, however, from a statement which has been lately made to me on the part of the claimants, that the district attorney, instead of acting in the sense of the above instruments, has made application through the State Department to the United States consul at Matamoras for *ex parte* affidavits from that place relative to the movements of the Labuan and of her officers while off the Rio Grande, as well as to the origin of her cargo and other matters, with the intention of laying the same before the court.

This proceeding is stated to have been adopted without any notice having

been given to the claimants or their counsel; and upon the latter calling the attention of the court to the matter, on the 15th instant, the district attorney is said to have met the question by arguing that some new proceeding was to have been initiated by the complainants before the court upon the subject of damages and costs, and that owing, as he alleged, to this omission in that respect, he had himself taken the initiative by sending out to Matamoras to procure the fresh *ex parte* evidence referred to.

But I would submit that the district attorney must have been under a misapprehension upon this point, as the substance of the above-cited portion of your note has been communicated to the claimants, and they, consequently, could not with propriety have initiated any new proceedings before the court.

Supposing the fresh evidence to arrive in course of time and to be submitted to the court, it might then be found necessary for the interests of the claimants that they also should be enabled to procure fresh counter-evidence from Matamoras. Besides the almost endless delays which might thus arise, questions would be reopened which have already been decided by the prize court; whereas, after carefully perusing your note, I cannot believe that it was your intention to reopen the whole case upon its merits, and to cause so much additional delay in procuring a decision upon the single reserved question of the amount of damages and costs due to the claimants—a question which, unless I am misinformed, is usually decided by the court upon the evidence previously laid before it during the trial of the case.

I trust, therefore, that you will see fit to remind the district attorney of your previous instructions, and to urge that functionary to take immediately such steps as may be proper to prosecute the question of damages and costs in the case of the *Labuan* to a decision, in so far as the prize court is concerned, the delay which has already occurred having been a great aggravation of the injury done to the claimants by the illegal seizure of this vessel, and the consequences resulting therefrom.

I avail myself of this opportunity to renew to you the assurance of my high consideration.

W. STUART.

Hon. WM. H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
Washington, September 26, 1863.

SIR: Referring to your note of August 17, concerning the case of the steamer *Emma*, I have now the honor to inform you that I have made inquiries on the subject of her having been appropriated by the Secretary of the Navy, before adjudication, in pursuance of the act of Congress, while the general question of the right of the government to appropriate neutral captured vessels, in such cases, was under the consideration of the Attorney General. I have ascertained that this proceeding was taken under misapprehension. I have also to state that it is regretted by the President, and that the vessel will not be put into service, but will be held to abide the decree of the prize court in the same manner as if the proceeding had not been taken. No captured neutral vessel will hereafter be appropriated by the government before condemnation.

I avail myself of this opportunity to renew to you, sir, the assurance of my high consideration.

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Stuart to Mr. Seward.

WASHINGTON, *September 29, 1863.*

SIR: I had the honor to receive your note of the 26th instant, informing me, with regard to the appropriation of the steamer Emma before adjudication, that you had ascertained that the proceeding was taken under misapprehension; that it is regretted by the President, and that the vessel will not be put into service, but will be held to abide the decision of the prize court in the same manner as if the proceeding had not been taken. You conclude by assuring me that no captured neutral vessel will hereafter be appropriated by the government before condemnation.

I beg you to accept my thanks for this satisfactory communication, of which I was enabled to forward a copy to her Majesty's government by yesterday's mail.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

W. STUART.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, September 30, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 24th instant, relative to the case of the Labuan. In reply, I have to acquaint you that it is true that this government has deemed it necessary to make further inquiry at Matamoras, with a view to ascertain the grounds for the large damages claimed in that case. In adopting this course, however, there was no intention to disregard the rights of the claimants. With a view to remove any unfavorable impression upon the subject, a copy of the correspondence between the department and the United States attorney at New York in regard to it is herewith transmitted.

I have the honor to be, sir, your very obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Smith to Mr. Seward.

OFFICE OF THE ATTORNEY OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF NEW YORK,

New York, May 1, 1863.

SIR: I have the honor to transmit herewith a copy of a letter this day mailed by me to the United States consul at Matamoras, in reference to the case of the Labuan.

As stated in one of your letters to me, it is a matter of importance to the government that evidence, such as is mentioned in my letter to the consul, should be obtained. I take the liberty of asking that, if it be deemed proper, the department will instruct the consul to use diligence in procuring and transmitting to me the required affidavits, and will authorize him to incur any expense necessary for that purpose.

I am, sir, with great respect, your obedient servant,

E. DELAFIELD SMITH,

United States District Attorney.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Smith.

DEPARTMENT OF STATE,
Washington, May 8, 1863.

SIR: I have to acknowledge the receipt of your letter of the 1st, with the accompanying copy of a communication addressed by you to L. Pierce, jr., esq., United States consul at Matamoros, and to inform you that instructions have been given to the said consul to obtain and forward to you without delay, in the form of affidavits, all the evidence which you regard as material in determining the question of damages in the case of the English steamer Labuan. He has also been instructed to incur whatever expenses may be necessary in the matter, and to send an account and vouchers therefor, and to draw upon this department for the amount.

I am, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

E. DELAFIELD SMITH, Esq.,

Attorney of the United States for the Southern District of New York.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,
Washington, September 30, 1863.

SIR: Referring to your memorandum of the 10th instant, relative to the case of Mr. J. M. Vernon, and to my reply, I have the honor to enclose to you the accompanying copy of a communication of the 23d of this month, addressed to this department by the Secretary of War.

I have the honor to be, with high consideration, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,
Washington City, September 23, 1863.

SIR: In reply to your note of the 12th instant, enclosing a copy of a memorandum dated September 10, from the honorable William Stuart, chargé d'affaires *ad interim* of the British legation in this city, relative to the case of Mr. J. M. Vernon, I have the honor to transmit the accompanying copy of correspondence between Major General Hitchcock, commissioner for exchange of prisoners, and Colonel Justin Dimmick, commanding Fort Warren, where Mr. Vernon is at present detained.

I have the honor to be your obedient servant.

EDWIN M. STANTON,
Secretary of War.

Hon. WILLIAM H. SEWARD,

Secretary of State.

General Hitchcock to Colonel Dimmick.

WASHINGTON CITY, D. C.,
September 15, 1863.

SIR: I will thank you to inform me whether J. M. Vernon, a prisoner at Fort Warren, receives any peculiar treatment different from that of other pris-

oners similarly situated. State whether his condition has in it any suffering other than that which is incident to the measures necessary for his safe-keeping, and please state, generally, what treatment the prisoner receives, as to food, confinement, and opportunities for exercise.

Very respectfully, your obedient servant,

E. A. HITCHCOCK,

Commissioner for Exchange of Prisoners.

Colonel JUSTIN DIMMICK,

Commanding Fort Warren.

Colonel Dimmick to General Hitchcock.

HEADQUARTERS, FORT WARREN,

Boston Harbor, September 17, 1863.

SIR: In reply to your letter of the 15th instant, "whether Mr. John M. Vernon, a prisoner at Fort Warren, received any peculiar treatment different from that of other prisoners similarly situated," I have to state that Mr. Vernon is treated like other prisoners confined at this station, with the accidental exception that he is better quartered than other prisoners, having a front room in the officers' quarters, 19 by 15, with only 5 persons in the room. The room is the same size and similarly situated to the one I occupy; there is a wide stone pavement in front of the whole line of officers' quarters. The length of the pavement is 116 paces; the prisoners have the whole range of the pavement which leads them past my quarters, and also that of the officers of my command. The prisoners are allowed to be out of their quarters from reveille to retreat. The food is that of the army rations, well cooked, though not the variety one could have elsewhere, but good, wholesome food. The bread is admitted to be as good as could be procured anywhere, and is the same that I eat myself, and all my officers. I have just asked over 40 prisoners, who eat at the same time and place with Mr. Vernon; they all said they were very well satisfied, and the living was very good, except one person, who said the provisions were all good, but he wanted more variety, and wished they "could have beefsteaks, or roast beef, instead of so much boiled."

I am, sir, with high respect, your obedient servant,

J. DIMMICK,

Colonel United States Army, Commanding Fort.

Major General E. A. HITCHCOCK,

Commissioner for Exchange of Prisoners.

The situation of Mr. J. M. Vernon having been referred to me, I addressed a letter of inquiry to Colonel Dimmick, and received the accompanying answer, dated Headquarters, Fort Warren, September 17, 1863, and am of opinion that the case of Vernon calls for no special orders at this time.

E. A. HITCHCOCK,

Major General Volunteers, Commissioner for Exchange of Prisoners.

Mr. Seward to Mr. Stuart.

DEPARTMENT OF STATE,

Washington, October 9, 1863.

SIR: Recurring to Lord Lyons's communication of the 17th of July last, so far as it relates to the charge of harsh treatment of the officers of the British

steamer Victor by those of the United States cruiser Juniata, I now have the honor to enclose a copy of a letter of the 7th instant, from the Secretary of the Navy, and of the reports to which it refers, repelling the accusations brought against the officers of the Juniata.

I seize this occasion to offer to you, sir, a renewed assurance of my highest consideration.

WILLIAM H. SEWARD.

Hon. WILLIAM STUART, &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,
October 7, 1863.

SIR: Referring to my letter of the 31st of July last, addressed to you in answer to a note from Lord Lyons, relative to the seizure of the English steamer Victor, I have the honor to transmit herewith a copy of a report from Commander J. M. B. Clitz, commanding the United States steamer Juniata, dated the 22d ultimo, and copies of reports from other officers of that vessel, repelling the charges made against them, of having ill treated the officers and crew of the Victor.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c.

Commander Clitz to Admiral Lardner.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 22, 1863.

SIR: In compliance with your order of September 21, I respectfully submit the reports of the *various officers* of this vessel in reference to the seizure of the English steamer Victor and the alleged ill treatment of her officers and crew.

The Victor was taken on the evening of May 28. I assumed command of the Juniata on the 30th, and found the officers and crew on board at that time. On the 9th of June, by order of Acting Rear-Admiral J. Bailey, the master's mate and senior engineer were sent to Fort Taylor, at Key West, the remainder of the crew were allowed to go at large, and were landed at the city of Key West. In regard to the ill treatment of which they (officers and crew) complain, I would state that they were not confined as prisoners, but were generally unrestricted in their movements about the ship, and that if they had causes for complaint, they were never made known to me as the commanding officer. About their treatment while at Fort Taylor I know nothing.

Very respectfully, your obedient servant,

J. M. B. CLITZ,
Commander, United States Navy.

Acting Rear-Admiral J. L. LARDNER,
Commanding West India Squadron.

Lieutenant Maxwell to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Hay'ien, Hayti, September 21, 1863.

SIR: In obedience to your order of this date I make the following report:

On the evening of the 28th of May we left Havana, followed by a small steamer showing English colors, and when at least five miles from the coast of Cuba boarded and took possession of her. She proved to be the steamer Victor.

Received on board the officers and crew, with the exception of the second engineer and one fireman, who afterwards came on board at Key West.

The master, first and second engineers, were quartered with the steerage officers, were furnished with beds to sleep on, and, in fact, well cared for. The crew were quartered with our own men.

While at Key West, on account of their ragged appearance, I gave orders that the Victor's crew should not be allowed the use of the topgallant fore-castle; but in every other respect they had the freedom of the ship.

The master and first engineer complained of their want of clothing, which had been left on board the Victor. An officer was sent to the prize commissioner who had charge of the vessel with the complaint, and the answer returned was, that it would be attended to. On the 9th of June I was directed by Commander Clitz to send the master's mate and first engineer to Fort Taylor, in charge of Acting Ensign Winslow, who was directed to deliver them to the commanding officer, and was to say to him that if orders had not yet been received, that Admiral Bailey had made all arrangements with the general commanding for their reception at the fort.

Very respectfully, your obedient servant,

J. G. MAXWELL,
Lieutenant Commander U. S. Navy.

Commander J. M. B. CLITZ.

Lieutenant Koutz to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 21, 1863.

SIR: In compliance with your order to state to you in writing the distance of the British steamer Victor from the island of Cuba at the time of her capture, I have to say that, in my opinion, she was between six and ten miles distant from the nearest land. I deem it proper to say, too, after Commander Stevens had decided that the vessel was some distance outside of a marine league, he took the precaution to call upon several of the officers for their opinions as to the distance from the nearest land; and that while the officers differed, none considered the distance to the nearest land less than five miles. I may say, too, that the master of the Victor did not seem to avoid this vessel; on the contrary, he seemed to be courting capture.

I am, sir, very respectfully, your obedient servant,

ALBERT KOUTZ,
Lieutenant and Master U. S. Steamer Juniata.

Commander J. M. B. CLITZ,

Commanding U. S. Steamer Juniata.

Acting Master Stimson to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 21, 1863.

SIR: In obedience to your order of this date, I submit the following statement, in answer to the charges made against me by the captain and chief engineer of the steamer Victor:

I am accused of using, unnecessarily, violent and abusive language to the officers and crew of that vessel when I boarded her to examine her papers and cargo; also, of breaking open the packages containing her cargo; and after the Juniata had taken possession of that vessel, on being remonstrated with by the chief engineer, replying, that "I did not care a damn; that Admiral Wilkes's orders were to seize every damned thing going to the westward, and we would do so." And also, when they requested to be allowed to take their baggage with them on board the Juniata, that I replied, "they should not take a damned stitch."

These statements are false in every particular. I did not use any violent or abusive language whatever, and I made no statement with regard to orders received from Admiral Wilkes.

I did not examine the packages containing the cargo of the vessel; but they were all opened by the mate of the steamer, his captain giving him orders to do so, at my request, as I wished to judge as to their contents, not being able to do so from the vessel's manifest, the contents of the packages not being stated on that paper. I also beg leave to call your attention to the statement of Mr. Pollard, the engineer sent to take charge of the engines of the Victor, he having heard all the conversation which took place between myself and the crew of the Victor after I went on board to take charge of that vessel.

Hoping that this statement will prove satisfactory, I am, very respectfully, your obedient servant,

J. H. STIMSON,
Acting Master.

Commander J. M. B. CLITZ,
Commanding U. S. Steamer Juniata.

Engineer Pollard to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 22, 1863.

SIR: I respectfully submit this statement of the facts in relation to the steamer Victor. I was sent on board of her by Captain Stevens to take charge of her machinery. On my arrival on board I proposed to the engineer then in charge to go ahead and assist in taking the vessel into Key West; that I would give him all the assistance I could. He refused to have anything to do with the vessel at all, unless he was ordered to do so by his captain, who was then on board the Juniata. On looking around the engine I discovered that the rods were dismounted from the link; also that there were no tools on board, not even a screw-wrench, hammer, or chisel. I returned on board the Juniata, and reported these facts to Captain Stevens, when, after consulting with the chief engineer and his captain, the second engineer returned to the Victor and consented to work the engines himself. After trying in vain thirty minutes to start her ahead, I proposed to him to examine the expansive gear. On doing this he found that the valves had been screwed together, thereby closing all communication to the cylinder for the steam. At which discovery he seemed

very much surprised, and denied all knowledge of how or why this was done, although he said that he alone had the whole management of the engine since leaving Havana.

After this difficulty was removed we had no further trouble with the machinery at all. That same night he himself found all the tools belonging to the engine, such as hammers, chisels, wrenches, oil-feeders, and everything requisite. In relation to the charge made against Prize-master James Stimson, I deny that any abusive or violent language was used by that gentleman; but, on the contrary, and under the circumstances, he was very cool and self-possessed, and treated both officers and crew with consideration.

Very respectfully, your obedient servant,

WILLIAM POLLARD,
Second Assistant Engineer U. S. Navy.

Commander JOHN B. CLITZ,
Commanding U. S. Steamer Juniata.

Members of steerage mess to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 21, 1863.

SIR: Having read certain statements of the officers of the steamer Victor as to their being ill treated whilst aboard this vessel as prisoners, allow us respectfully to make the following statement on our behalf:

The captain of the Victor was taken into our mess, and treated with all the consideration and kindness which was possible. None could be more astonished than we were at the statements, which are entirely false.

Respectfully, &c.,

REUBEN RICH, *Acting Master's Mate,*
WILLIAM MASTER, *Paymaster's Clerk,*
THOMAS NELSON, *Paymaster's Steward,*
Members of Steerage Mess.

Commander J. M. B. CLITZ.

Engineers of the Juniata to Commander Clitz.

UNITED STATES STEAMER JUNIATA.

SIR: Having read some documents made by the officers of the steamer Victor as to their ill treatment whilst aboard of this vessel, we respectfully submit the following statement on our part:

The senior engineer and his assistant were taken into our (the engineers') mess, and treated as messmates in every particular, two of our number giving up their beds to the captain and senior engineer of the Victor, whilst the assistant engineer slept in the same bed with one of the engineers of this vessel. During their entire stay in this vessel, nearly two weeks, they were treated with courtesy and consideration, and not permitted to contribute a single cent towards the expenses of the mess.

Respectfully, your obedient servants,

FRANCIS CRONIN, *Second Assistant Engineer.*
WM. POLLARD, *Second Assistant Engineer.*
PHILIP H. WHITE, *Third Assistant Engineer.*
RICHARD D. DODGE, *Third Assistant Engineer.*
ALBERT G. BONSALL, *Third Assistant Engineer.*

Commander J. B. M. CLITZ,
Commanding Juniata.

Surgeon Schriver to Commander Clitz.

UNITED STATES STEAMER JUNIATA,
Cape Haytien, September 22, 1863.

SIR: In relation to the treatment of the master and crew of the Victor during their detention on board of this vessel, I have to state that no instance of harshness or severity came under my observation. On the morning after the capture the master, Pearce, applied to me for medical assistance, which was promptly rendered. The necessity resulted from a want of his habitual stimulus, (brandy and water,) to the free use of which he stated he had been long accustomed.

One of the crew was treated successfully for ulcer of the leg during his sojourn on board.

Very respectfully, your obedient servant,

ALBERT SCHRIVER, *Surgeon.*

Commander J. M. B. CLITZ,

Commanding United States Steamer Juniata.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, October 14, 1863.

MY LORD: With reference to Mr. Stuart's note of the 25th ultimo on the subject of the destruction of the British ship York, stranded on the coast of North Carolina, in January, 1862, by order of the commander of the United States steamer Albatross, I have to remark that there are circumstances connected with the case which require further explanation before the liability of this government can be acknowledged.

In the first place, the York is represented to have cleared from Valencia, in Spain, with a cargo of stone, for Lewistown, in the State of Delaware. It is very unusual, if not unprecedented, for a vessel with any cargo to make a voyage between those ports, and as Lewistown could not be expected to afford a return cargo, full and distinct explanations as to the reason for undertaking such a voyage will be looked for.

In the next place, the wind at and about the time the vessel was stranded, was such, according to proof in the possession of this government, that it is thought improbable that a vessel bound on an honest voyage, between the points referred to, could have so far deviated from her course as to run aground at the place where the York stranded. It is conceived that these were circumstances of suspicion that warranted the commander of the Albatross in the opinion that the York repaired to the coast of North Carolina for the purpose of violating the blockade. Supposing, however, that these circumstances should be adequately explained, this government could scarcely be expected to accept the estimate placed upon the value of the wreck of the York by the papers which have been presented.

This value could not exceed that of the materials in a market where there certainly was little or no demand for them. The proof offered as to the value is that of persons in rebellion against the United States, who, in a case of this character, cannot be regarded as credible or disinterested witnesses.

If it shall be made to appear that the York was bound on an honest voyage, was compelled by stress of weather to deviate from her course, and in so doing was involuntarily stranded, there will be little hesitation in acknowledging the accountability of this government for the value of the wreck in the market

where it is supposed it might have been sold. In the present situation of the case, however, that acknowledgment must be suspended.

I have the honor to be, my lord, your very obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, October 16, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, asking whether, in the event that the decree of the inferior court, in the case of the Springbok, should be reversed on appeal, the court will give the vessel back, or pay to the owners its value.

In reply, I have the honor to acquaint you that, in the event of a reversal of the judgment of the inferior court, the Supreme Court may be expected to decree a restitution of the vessel, or indemnity, according to the circumstances of the case. What the decree will be cannot now be foreseen by the executive department.

I have the honor to be, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, October 20, 1863.

MY LORD: In a note to you of the 22d, in reply to your note of the 20th of June last, on the subject of indemnification in the case of the British steamer *Magicienne*, it was proposed to refer to two persons at or near Key West the questions of damages growing out of the capture and detention of that vessel. As it is probable, however, that an equally satisfactory result in regard to the matter may be reached by an investigation at New York, I name William M. Evarts for that purpose, on the part of this government, to meet any person who may be named on the part of her Majesty's government. If there should be no objection on your part to this course, I will thank you to designate the person to act in behalf of the claimants, in order that Mr. Evarts may be apprised accordingly.

I have the honor to be, my lord, your obedient servant,
WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, October 28, 1863.

MY LORD: The Secretary of the Treasury, to whom was referred a copy of your communication of the 19th instant in regard to the detention of the steamer *Josie* at New York, has replied by a letter of yesterday, which is accompanied

by a copy of a report of the collector of customs at that port. I have the honor to enclose a copy of these papers to your lordship, and to be, with high consideration, my lord, your obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

TREASURY DEPARTMENT,
October 27, 1863.

SIR: I have received yours of the 20th instant, covering copy of despatch of Lord Lyons of the 19th, relative to the detention of the steamer Josie by the custom-house authorities at New York.

This despatch was sent by me on the 21st to the collector at New York for a report on the case, a copy of which I enclose.

With great respect,

S. P. CHASE,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State.

CUSTOM-HOUSE, NEW YORK,
Collector's Office, October 24, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 21st, enclosing a letter from the Secretary of State and despatch from Lord Lyons, and other papers, in regard to the detention by me of the steamer Josie, with the request that I would report thereon.

This vessel was first detained for inquiry and subsequently seized for forfeiture by me upon the ground that she was proceeding on a voyage with the ultimate intent of entering one of the ports of the insurgent States. After taking a sufficient time to examine into the facts of the case, the information furnished to this office was deemed sufficient to authorize her seizure, and thereupon I transmitted the facts to the United States district attorney for this district with the request that he would institute proceedings for the forfeiture of the vessel and cargo under and in pursuance of sections 6 and 7 of the act of July 13, 1861, and section 1 of the act of August 16, 1861, and sections 6 and 7 of the act of January 17, 1862.

I return herewith the correspondence upon this subject forwarded to me by you.

Very respectfully, your obedient servant,

HIRAM BARNEY, *Collector.*

Hon. S. P. CHASE,
Secretary of the Treasury.

SUPPLEMENT.

GREAT BRITAIN.

Mr. Adams to Mr. Seward.

No. 511.]

LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: Under the instruction contained in your despatch (No. 692) of the 2d of September, I addressed a note of the 22d of the same month to Lord Russell respecting the good offices of Mr. Partridge in regard to the interests of British subjects in Salvador. A copy of that note, as well as Lord Russell's reply, is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 22, 1863.

MY LORD: I have to enclose a copy of a portion of a despatch addressed to the Secretary of State of the United States by James R. Partridge, esq., minister resident to Salvador, with the accompanying papers. It gives me pleasure to add that the course taken by Mr. Partridge has been approved by my government.

I pray your lordship to accept, &c., &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October 2, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 22d ultimo, and its enclosures, relative to the good offices rendered to British subjects by the United States minister resident at Salvador, and I have to request

that you will be good enough to convey to the government of the United States the thanks of her Majesty's government for the friendly interposition of the American minister on the occasion in question.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 512.]

LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: A copy of Lord Russell's acknowledgment, dated the 2d instant, of my note to him of the 29th ultimo, transmitted with my despatch (No. 505) of the 1st instant, is now forwarded.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th ultimo, enclosing copies of communications which have been made to you by the consul of the United States at Cape Town, relative to the proceedings at that place of the steam vessel Alabama, and I beg to inform you that the matter has already been brought to the notice of her Majesty's government, and is now under consideration.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 513.]

LEGATION OF THE UNITED STATES,
London, October 8, 1863.

SIR: I have the honor to transmit a memorial addressed to the President by 274 inhabitants of the city of Hereford; and also a resolution passed at a public meeting held at Hartlepool, in Durham, on the 2d instant.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Martin to Mr. Adams.

HARTLEPOOL, *October 3, 1863.*

HONORABLE SIR: In forwarding to you the accompanying resolution, I may just take the opportunity to state my belief that there does not exist in the minds of the masses of my fellow-countrymen those pro-southern proclivities which American citizens, with much ill blood, give us credit for. Wherever there are bad men, there we shall find bad things of all kinds, pro-slavery among the rest. We have such in this country, of course, but, really, all the world must allow that they bear a very small proportion to the whole population.

The receipt of this will oblige, yours, obediently,

J. MARTIN.

P. S.—You are at liberty to make what use you think proper of this communication.

Hartlepool resolutions.

Copy of resolutions unanimously adopted at a public meeting held at Hartlepool, in the county of Durham, on Friday evening, October 2, the Rev. Joseph Martin in the chair:

“That this meeting, having listened to statements made by the Rev. Joseph Martin and Mr. James Watkins, (a fugitive slave,) on the subject of American slavery, judges that the time is now come when it is necessary to reaffirm the sentiment of opposition to it in all its forms, and which, for so many years past, has distinguished the feelings and opinions of the British people; and, further, whilst deploring the civil war now raging in the United States of America, expresses its approval of, and confidence in, that course of action, against the institution of slavery, which the government of the States aforesaid has found it prudent to employ during the last two years.

“That a copy of this resolution be sent to the Hon. Charles Francis Adams, ambassador of the United States government to the British court.

“JOSEPH MARTIN,

“*Chairman.*”

Mr. Adams to Mr. Seward.

No. 516.]

LEGATION OF THE UNITED STATES,

London, October 9, 1863.

SIR: Referring to my No 504, of the 1st instant, I have the honor to forward herewith a copy of a note from Lord Russell, under date of the 5th of October, acknowledging the reception of my letter to him of the 29th ultimo.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Lord Russell to Mr. Adams.

FOREIGN OFFICE, *October 5, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 29th of September, in answer to mine of the 25th of that month, and I am very glad

to find that I had misunderstood you, and that the passages in your correspondence which had led to my observations were merely intended by you to express your confidence that the sense of right, on the part of her Majesty's government, would avail to gain for the United States exactly the same measure of justice which it would expect from the United States in return, were the respective situations reversed.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 518.]

LEGATION OF THE UNITED STATES,
London, October 16, 1863.

SIR: Upon the reception of your No. 725, of the 28th of September, I addressed a note to Lord Russell in the sense of that despatch. A copy is herewith transmitted.

The government has within the past week adopted measures of a much more positive character than heretofore to stop the steam-rams. Of the reasons for this I have not been officially apprised. My conjecture is; that they had cause to suspect attempts would be made to get at least one of them out by stealth. Having myself received secret information of this nature in connexion with the transmission of a considerable portion of the crew of the Oreto, or Florida, from Brest to Liverpool, I took the opportunity to warn Lord Russell of the probability of such attempts on the 24th of last month in a note, a copy of which as well as the enclosure is herewith transmitted. His lordship replied on the 30th; a copy of his note is likewise appended.

The energetic action of the government, after effecting the legal seizure of the rams, in first placing their own vessels in a position to command the outlet for both, and latterly in making fast to that which is ready to start, has produced an excellent effect in inspiring confidence in the prosecution of their declared policy. Nothing short of this would have sufficed to convince the reckless set of conspirators at Liverpool that they were in earnest.

The next step which I anticipate will be an offer to sell the vessels to the Danes. If they ask a reasonable price I have reason to believe that such a transfer might be expected. But I understand there are schemes afloat of an enterprise to seize them in transitu, if not strongly convoyed, the parties making an offer of a suitable indemnity in case of success. You may readily conceive of the desperation to which they are driven when they cherish the notion of such projects in the face of civilized Europe. The violent and lawless nature formed and developed in the hot-bed of slave institutions is making itself more and more distinctly perceptible on this side of the Atlantic. That it should have been permitted to have play on the ocean until now can only be accounted for by the strong predisposition to be blind as long as possible to every proof of it.

I trust that from this time we may expect a better state of things on this subject. At the same time that I write this I am not unaware that other vessels are preparing at Glasgow, quite as formidable as those at Liverpool, against which we have not yet even so much evidence as we presented in their case. I am, however, preparing to make a representation against them.

The case of the Alexandra will probably come up on appeal to the exchequer

chamber in the course of a few weeks. I should be glad to know the wishes of the government in regard to any action to be had on this side, should they not conclude to employ the supervision of Mr. Evarts once more.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, October 12, 1863.

MY LORD: I take great pleasure in performing the duty imposed on me by my government of expressing its satisfaction with the intelligence which I had the honor of communicating to it by the transmission of your lordship's note to me of the 5th of September. The President, not insensible of the difficulties in the way of the decision to which her Majesty's government in that note signified it had arrived, is gratified in being able to regard it in the light of a sincere desire, on just principles, to maintain its friendly relations with the United States. I am, therefore, instructed to inform your lordship that the government will hereafter hold itself obliged, with even more care than heretofore, to endeavor to conduct its intercourse with Great Britain, as that the war in which it is now unhappily involved may, whenever it may terminate, leave to neither nation any permanent cause of discontent.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, September 24, 1863.

MY LORD: I am credibly informed that seventy or more of the men belonging to the insurgent vessel the Florida, formerly the Oreto, nearly all of them British subjects, have been sent over from Brest, and are now in Liverpool. They were provided with a letter to the person acting on behalf of the insurgents at Liverpool, a copy of which is herewith transmitted. I need not point to your lordship the fact that the last sentence implies habitual action, in direct violation of the law of the realm; such, indeed, as, if committed by any agent of the United States, would be likely to attract the immediate notice of her Majesty's government. It corroborates all the evidence heretofore presented by me on the same subject. I have further reason to believe that under this sentence is intended a transfer of many of these men to one of the iron-clad war vessels now in preparation at Liverpool, with the intent to carry on war against the United States. It is known to me that the intention to despatch that vessel is not yet abandoned by the parties concerned in the enterprise.

I pray your lordship to accept, &c., &c.,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c.

[Enclosed copy.]

CONFEDERATE STATES STEAMER FLORIDA,
Brest, September 3, 1863.

SIR: Herewith I send you a list of men discharged from the Florida, with their accounts and discharges. Many of them have asked for transfers, and others for reference to you, or to a confederate agent. I would request you to provide them situations in the service.

I have the honor to be, sir, very respectfully, your obedient servant,
J. N. MAFFITT,
Commander, Confederate States Navy.

Captain J. D. BULLOCK,
Confederate States Navy, Liverpool.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September 30, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 24th instant, calling my attention to the arrival at Liverpool of a large party of men belonging to the confederate steamer Florida; and I have to acquaint you that I lost no time in communicating to the secretary of state for the home department copies of your letter and of its enclosure.

I have to add, however, that the attention of her Majesty's government had been, some days previously to the receipt of your letter, attracted, by paragraphs in the public papers, to the arrival of these men, and that inquiries were at once set on foot, and that the course which can be taken in regard to them is under the serious consideration of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 519.]

LEGATION OF THE UNITED STATES,
London, October 16, 1863.

SIR: The only events of the week have been the assembling of the first cabinet council of the season, which took place on Tuesday last, and the death of Lord Lyndhurst.

Of the immediate occasion of the call, beyond the ordinary arrangement of the prorogation of Parliament, I have been able to learn little. It is, however, sufficiently apparent that the state of things all over Europe presents questions of intricacy which demand attention, independently of those which grow out of our troubles in America.

* * * * *

The death of Lord Lyndhurst removes a shrewd and weighty counsellor from the ranks of the conservative opposition. Though for some time physically disabled from action in politics, his clear and restless mind has retained its vigor, and freely communicated its conclusions to those who sought assistance from

him. In regard to America, his judgment and his feelings combined to recommend a passive policy to his friends. I have had the pleasure of several conversations with him since I have been here, in all of which, if he did not take what appeared to be absolutely correct views, he at least abstained from adopting the prevailing errors of his associates.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 521.]

LEGATION OF THE UNITED STATES,

London, October 16, 1863.

SIR: I have the honor to forward herewith a copy of the Morning Post, of this day, containing a report of the speech made yesterday by Sir Roundell Palmer, the new attorney general, to his constituents, at Richmond, in Yorkshire.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[*From the Morning Post, (London,) October 16, 1863.*]

SIR ROUNDSELL PALMER AT RICHMOND.

Sir Roundell Palmer arrived in Richmond (Yorkshire) on Tuesday morning last, and on Wednesday evening addressed the electors in the Town Hall. During his stay in Richmond the honorable gentleman was the guest of Mr. Leo. Cooke, Terrace House, ex-mayor of the borough. There was a large attendance at the meeting, which included several ladies.

After being introduced to the meeting by Mr. Leo. Cooke—

Sir Roundell Palmer, after some introductory remarks, referring to his position with his constituents, said that as the office he had accepted and held in her Majesty's government was a subordinate one, he had not to determine what measures should be taken by her Majesty's government in public matters, and if he were interested with matters to that extent it would be inconsistent in him to make known to them the intentions of her Majesty's government before the government themselves were prepared to divulge them. They must not, therefore, expect him to enter into those long discussions connected with politics which were open to gentlemen in office, but not to gentlemen who served the public in the capacity that he did; but he thought it best to advert to what might have passed since he had last the honor to appear before them; and then, if they approved of the conduct of the government to which he had the honor to belong, they would then be enabled to judge, if they could look forward with the same degree of confidence to his conduct in the future. The two years which had passed since he last stood there had been fraught with serious misfortune and great trial to the country. He would mention two particular subjects in connexion with that period, and he did it rather because both of them had been occasions of great trial and great suffering, and yet each of them had been attended with compensating blessings and benefits to the country, which enabled us

to look back with confidence to the past and with hope to the future. (Applause.) In the first place, there was the great affliction which fell upon her Majesty the Queen and the whole country, in the removal from amongst us of that most able and excellent prince who shared her Majesty's counsels, at the same time he was the centre of all her domestic affections. This loss, indeed, was a national misfortune which none except those who were near the throne could in any adequate degree estimate; but even in that misfortune we were not without a corresponding mitigation, if not benefit. Under the providence of God it had had this effect: it had brought out in a manner not only consolatory to the heart of the Queen, but which, he thought, must produce a permanent and good effect in cementing together sovereign and people, and binding closer than before the bonds of that loyalty by which we have been distinguished as a nation, for it brought out the highest, fullest, and deepest exhibition, which could under any circumstances have been afforded, of intense personal sympathy between the people and the crown. (Applause.) This circumstance had shown that if anything should happen under the constitution in which we lived which should try the strength of the nation, there would be a bond of union between the people and the Queen. (Applause.) The other circumstance to which he had alluded was that of one of the most remarkably calamitous events which had ever occurred in the history of any nation, viz., the loss which had been sustained by our industrial population through the war in America. It had been a calamity which, if we had seen the worst of it, we had not yet seen the end of it. The loss to the cotton industry had, however, been attended by corresponding mitigations, and benefits, and blessings. He would put first and foremost the noble part which had been acted by the people who had been the immediate sufferers under that calamity. (Applause.) He thought that the artisans and the manufacturing population of the cotton trade had exhibited a noble bearing in the midst of their inevitable calamities, and had exhibited a bearing which would have been most noble in people of the highest degree in the land. (Applause.) When they considered how poor, how deficient in all the advantages of education, and many other things, the great masses of the people of this country, who had been suffering, were, their conduct was a spectacle of which for all time the people of England would be proud. But the benefit did not stop there. Their sufferings and distress were such as to demand loudly the sympathy of their countrymen throughout the United Kingdom. That sympathy and support had here and everywhere been afforded by a liberal hand; and as the other calamity tended to bind together the hearts of the Queen and the people, so the effect of this calamity had been to bind together the hearts of all classes of the people. Though sometimes men—actuated by zeal which, perhaps, they considered right—had uttered words in public which had tended to set class against class, yet such an event as that was an answer to all those words, and it showed that there was no such division of classes in this kingdom as should prevent any other class making such calamities their own, and making every amount of sacrifice to mitigate those calamities. That was a benefit, and not a slight one, which had been derived under the pressure of this distress. (Applause.) We had also had a period which had applied a severe test on trade, on our national resources, and our financial prospects. It might have been expected that, under this pressure, they would have given way. But that they had not done so certainly showed that, under all circumstances, if one great branch of our trade had greatly suffered, other branches of our trade had flourished; and on the whole, it may be said that the prosperity of our country, under these most trying circumstances, had not declined. Our revenue had so flourished that even in the third year of the American war, under this great

depression of the cotton trade, and after considerable dealings with the revenue, from which some people expected a great deal of evil, a material reduction of the income tax had been effected, and, in addition, the duty had been taken off tea, without, at the same time, any diminution of the means of maintaining the efficiency of our manufactures, and for providing for all our other national wants, and this without putting ourselves into a situation in which we should fear to encounter any exigency which should suddenly come upon us. (Applause.) There was matter for congratulation in all this, and they might be brought more legitimately to consider that in connexion with the responsibility of government different times had different exigencies and different demands. There were times of comparative quiet, and those were periods exceedingly favorable for progress and improvement at home. There were other times when gross abuses demanded a great effort for their reform. These were times when the main duty of those who were intrusted with the government of the country was to keep the foreign relations of the country in perfect consistency with its safety, its interest, and its honor; and at the same time to maintain in efficiency the public resources and public revenue. Now, he would venture to say here that the country at large considers these last objects as of great importance, and they particularly required at this time constant attention on the part of the government. We lived in a time when there was great difficulty and perplexity abroad, but happily, indeed, peace at home. When any degree of carelessness at the foreign office might at any moment plunge the country into war—a war with regard to which it was difficult to see its limits—any careless dealing with the revenue at such a time might expose the country to such disadvantages as to make it next to impossible to meet an emergency with honor and credit. Now, he appealed to them, to ask them for their verdict, whether the government which now administered the affairs of the country had not done their duty in those two great departments? He would now make a few observations on the subject of the finances, because that was the vital point on which those who opposed her Majesty's government in the House of Commons had thought it right to attack the government, and insinuate all manner of coming evil from Mr. Gladstone's dealings with the revenue. When the French treaty was concluded, and the paper duties were taken off, they would remember the gloomy prospects with respect to the revenue which those prophets of evil brought before Parliament. He thought he might ask them in confidence whether events had not falsified those predictions. He would put it to them whether the event did not justify him in asking them to believe whether Mr. Gladstone, in following out with a bold hand the course of free trade, in which a good example had been set him by others, had not been consulting the best interests of the country, both with regard to the condition of the revenue and the interests of the people? Should he have been able to point to the elasticity and surplus of the revenue, if it had not been for the policy which had been practiced, and the fetters which were laid upon the large branches of trade had not been struck off as boldly as they were, and the vacuum left by the deficiency in the cotton trade had not been filled up satisfactorily with the increase of other branches of our commerce from France and other countries? (Applause.) He thought they would all look with some degree of satisfaction on the revenue of the country. He would now go to the other point which he had mentioned, viz., foreign affairs, and here he thought that both the government and people might without shame examine the attitude which this country had maintained during the progress of that unhappy contest in America. (Hear, hear.) Now, it would not be at all proper for him, even if he were so inclined, to enter into an explanation of the question of right or wrong between the two parties

in America. It would not be proper for him, in the position he held, to express any feelings of partiality on one side or the other, nor even in public to let any private sentiments which he might entertain on that subject be known. But in this case, as in all similar cases, the policy of this country had been strictly and honorably one of non-interference. (Applause) It had been our duty and interest—it was, he believed, the permanent interest of our whole people—not only that this or that branch of trade might possibly profit by a public calamity; for in our view the American war was a public calamity—a misfortune to America, to us, and the whole world—one which we deeply deplored—and one, indeed, the end of which we should be most thankful to see—(applause)—but by every principle which concerned the independence and liberty of nations, we were bound not in any way to interfere between the one party or the other in that contest. (Hear, hear.) If we interfered with their national affairs, of course they would have an equal right to interfere with ours; and so, all the world over, any despot who wishes might trample down liberty on the one hand, and those who love anarchy and disorder might interfere on the other. It was the interest of all the world, and more especially of a free people like ours—a people propagating the principles of freedom throughout the world—it was our interest to say that while we regretted and deeply deplored the war, we would not interfere, but would say to them, “You are proper judges of your own affairs—you are the arbiters of your own destiny.” And if there be a party dissatisfied with that government and claiming an independence, it is for that party to work out an independence for themselves, and other nations have no right to interfere for or against them. (Applause.) Now, if we had fully maintained that attitude as a people and a nation represented by our government, we may very safely disregard any suggestion we have heard on one side or the other, that, because we have shown our sympathies, unfriendly feelings will arise between the two nations. Now, he believed that there was no unfriendly feeling in England towards America; and it was his belief that whatever might be written in newspapers, or uttered in the heat and excitement of public speeches, there was not that unfriendly feeling towards this country on the other side of the Atlantic which some seemed to think. (Hear.) Let us discredit rash words lightly written and lightly spoken, and look at great facts—those facts which tell upon the history and interests of both countries, and those facts which all may appeal to when brought into contact individually with the citizens of either country. (Applause.) Look at the facts relating to the history of the two countries. Are we not, after all, one and the same people? Are we not brothers? Is not their blood our blood? May we not claim and point with pride to everything great or noble amongst them as belonging to us from whom they sprang? May they not point, and do they not point, to everything great in our history and literature at the present day and say, “We have also a share in this?” (Loud applause.) Do ever any of you meet an American in society, and not see that this feeling is one of deeds, not of words? When a real practical test is applied, that feeling, under proper management, on both sides, if the government do their duty, will be the prevailing feeling, and that friendship which the mutual interests of both countries dictated, which the common ties of both countries dictated, would continue; and there was nothing in the world which can gain on either side by that kind of fratricidal war which must inevitably come to pass if two countries were causelessly to quarrel with each other. (Hear.) He might perhaps be permitted to say a very few words in vindication, not of the government merely, but of the people of England, in respect to some complaints made of them on the other side of the water concerning their conduct and attitude in the course of this

war. Now, there was no doubt that we are a free-spoken people—that, although the government were bound to practice the strictest neutrality—that, although on his part he did not consider it expedient to give utterance in public to any private feeling he might entertain as to the merits of this great American war, yet no obligation rests on the individual members of the great body of the nation. Everybody was free to think, and was accustomed to speak as he thinks, and no offence should be taken by a free country elsewhere if our opinions as a nation were freely canvassed. Non-interference America had a right to require from us, and they had a right likewise to expect submission from us to all the rules and laws which nations have established to regulate the intercourse between each other during war; but to require more, to require a universal sympathy with the northern view, why, that was a most unreasonable thing, and it would not bear examination for a single moment. In truth, the opinion of this country was very much divided on the subject. A great number of people, perhaps in the upper classes more especially, have sympathies with the south. A great many other people—amongst the great manufacturing centres we may suppose—amongst the masses of the population—if they do not sympathize with, at all events had no feeling against, the south, and have most unquestionably shown by their conduct that they would resist and disapprove any interference of this country in throwing our power into the scale of the south or north, even though the object of our so doing were to mitigate their distresses and to bring supplies of cotton for their mills. If a fair balance was struck, it would puzzle any one to say on which side our sympathies lie. There was an amount of impartiality taken as a whole, but whether there were or not, so long as the government did their duty to the people as a nation it was really no matter what feelings and sympathies private persons may express or entertain. He would venture further to say he did not think there was any justice in the notion, if it were entertained on the other side of the water that all in this country who sympathize with the south were therefore unfriendly with the north. He rather felt that those who sympathize with the south do so for reasons which, be they good or bad, were perfectly consistent with the most friendly feelings towards the north; and whether right or wrong, he was quite satisfied that those who sympathize with the south have as great a detestation of slavery as the strongest advocates of the north have. (Cheers.) The feelings of many persons are such, and they ought really to be understood and have justice done to them in America as well as here. In the first place, we did not forget our own war with the United States themselves when they were achieving their independence. They were our colonies; we thought the greatness of our nation, the glory of our empire, was at stake, and that if we lost those colonies we should dwindle into an insignificant people. We therefore expended much treasure and much blood in an endeavor, prolonged through many years, to subdue those colonies and force them into subjection. All this failed; they achieved their independence, and we have been a greater nation ever since, and derived no small amount of benefit from the greatness which they raised on their own bottom. Many people drew a kind of general conclusion from that—that when any dependency or state, associated with another state, was desirous of independence, and was ripe for independence in this sense—that it could maintain itself in independence—why, then, it was better to part good friends than endeavor by force of arms to subdue and keep it in subjection. That may be a sound or unsound view, but he had no doubt it entered very largely into the feelings of many parties; and he was quite sure that those who were influenced by this view, whether right or wrong, do not on that account show any ill feeling or want of friendliness towards the United States or the northern

portion of them. There was another thing: We had seen this war continuing now for three years. We had had our share of suffering, every person was ready to admit, but it was as nothing compared with the suffering endured in America, where we found them pouring out blood and treasure, the north sending armies into the field such as had never been heard of in European warfare, great battles being fought often and with apparently little result but that of enormous loss of life, both parties draining out the blood of their children—which was the greatest loss any country can sustain—(hear, hear)—and at the same time an enormous amount of money being spent, and an enormous debt being accumulated, which would be necessarily followed by enormous taxation, or else by dishonor arising from a process of repudiation. That was not all; for if it continued, the preservation of practical liberty, even on the northern side of the dividing line, would be difficult to maintain; and if the north succeed in conquering the south, the question naturally arose “how are they to manage them afterwards?” These were questions which suggested themselves to the well-wishers of the north as well as of the south; and if they led many such minds to think, “All this is being done with little hope in the end of a satisfactory or successful issue, but leading to an enormous cost of life and money,” would it not be much better for it to come to an end—the end being, naturally, under the circumstances, an amicable separation—a separation that should bring with it a cessation of war between the two parties? (Hear, hear.) The Americans may have an answer to that. They may say, “We think the greatness of our country is at stake; other calamities would be sure to come upon us if we do not maintain the Union,” and they may, after all, be the best judges of their own situation. But all he wished to say to them was, “Don’t judge harshly of our people; whether right or wrong in their views, they are not unfriendly to you; they are not hostile to America; they wish to be on the most friendly terms with you, and their advice to you springs from the holiest of motives—to see you saved from the most dreadful of all calamities indefinitely prolonged.” Yet at the same time nobody could help feeling with great men who maintain a gallant contest against great odds; and, therefore, the sympathy with all people fighting for their independence, whether wisely or not, invariably meet with—of course a great deal of that must be given to the south. (Cheers.)

Even the worst enemies of the south could not deny that they had conducted this contest with most remarkable courage and indomitable perseverance, and no wise American ought to blame those in this country who gave utterance to that opinion. He wished to vindicate our own countrymen, and make as far as he could the purity of their motives, whether right or wrong, understood. He was sure that the hatred of slavery was as strong and general in this country as ever it was. (Applause.) If in this contest it should appear upon the surface that many people had not refused their sympathy to that side which openly upheld slavery, he was sure that when the south had achieved their independence—if they should succeed in doing so—our feelings, sympathies, and affinities as a nation must necessarily be with the north, for the obvious reason that England could not possibly be with the States that maintained slavery, but with the free. (Cheers.) There was no inconsistency in this, for the true interests of liberty would not suffer if the south were to achieve their independence. Hitherto an unavoidable condition with the free States was that they were obliged to tolerate slavery in the slave States, and to a great extent adapt their own laws to the maintenance of slavery. But now the frontier of the land of freedom would be advanced. Whereas now the fugitive slave became a free man as soon as he crosses the river St. Lawrence and puts his foot on Canadian soil, he would hereafter be in the same situation as soon as he

crossed the boundary line between the northern and southern States. Although he did not say it was a sound and right judgment that the interests of liberty would be promoted by such a separation, yet he protested against the judgment that all those who feel that the interests of liberty would not suffer by that separation were indifferent to the horrors of slavery. (Hear.) He must add one caution—that in stating to them the views he had done, he was not expressing any opinions of his own; in point of fact they differed with many of the opinions he privately entertained. He was led to express them on behalf of his countrymen, in perfect good feeling towards all parties of people in America, without the slightest hostility to the north, or the slightest unfairness to the great cause of freedom as against the cause of liberty and slavery.

Now he came to the part which our government had taken in the matter. Our government had felt itself bound, in the first place, to recognize facts, and, in the second place, to do nothing to advance them. We heard a great many people say, "the government have recognized the south as belligerents"—that is, as States carrying on lawful war—"why not go and recognize their independence?" Now, he said, those who asked such a question were totally ignorant of the principle on which the government did recognize the south as belligerents, and at the same time ignore their independence. There was no doubt that the southern States were States exercising government for themselves and in themselves for the time being, and that they were carrying on war on their own and sole account. Our government recognized these things as facts established; but he it remembered that they recognized the south as belligerents in so far only that they had no control over events that had led the south to assume that position, and the government were shaping their conduct in the best manner they could according to the laws of their own country and according to the laws of nations. They gave them no privileges as such; they wished to God they were not belligerents, but being so, they did not refuse to take notice of the fact. The Americans themselves—the northerners—who complained sometimes that we had given the south a premature recognition as belligerents, forgot that unless the south were belligerents they could not have maintained the blockade against the south, nor the ships, guns, powder, and all that was known as the munitions of war. Therefore it was necessary for their purposes, as for the purposes of the south, and, above all, for our purposes, that our position should be understood, and not be of an equivocal character. There was nothing more important than that we should mind and regard the laws, rules, and regulations of war as applicable between the parties and ourselves, as a neutral nation, taking no part in their quarrels. As to our recognizing the independence of the south, we should ask ourselves, "Have they established finally their independence?" While there is this furious war raging; whilst battles are being fought from day to day; whilst we see one great city of the south—the city of New Orleans—in the possession of the northerners, and Charleston every day threatening to fall into their hands; when no person can really predict either the duration or the result of the contest, to say that we are to recognize the independence of the south was to say "you must pronounce judgment beforehand"—that we are really to take side, and not to wait and see whether these States can establish their independence or not. (Applause.) Without waiting for the event, we determine that they will and shall be, and consequently call them independent before they are. Those who demanded we should do it, had we done it, would have gone on to say, "What is the use of calling them independent unless you go on and make them so?" (Cheers.) How—in what way—should we be better for that? Should we get more cotton? Should we break the blockade, would the dreadful carnage cease? Giving them

words was not what was wanted. They wanted action; they wanted to stop the war. If we gave recognition in words merely, without altering our conduct in other respects, we should be holding ourselves up to the scorn of Europe, doing very little real benefit to the southerners, and at the same time giving just offence to the northerners, against whom we should be pronouncing a verdict prematurely. If the course of events should really establish their independence; if the hostile armies of the north be withdrawn from their soil; if they should ever get into that situation which, after thirteen or fifteen years of sanguinary contest, our American colonies found themselves when they formed the United States, of course we should then recognize them. But we wanted the fact to be settled first. To recognize their independence before that settled fact was to say we wish to bring about that which has not taken place, and while pretending to be neutral we should be plainly demonstrating that we did not mean to be bound by the conditions of neutrality. The feeling which it was thought existed in this country towards the south was explainable in this way: it was the fashion of Englishmen to sympathize with the brave without troubling themselves very much about close inquiry into politics, especially when the brave were seen to be contending against great odds for liberty and independence. It might be recollected that there was a case in point a few years ago. The government of Hungary was in the hands of insurgents. In many great battles those insurgents prevailed over the armies of Austria, amid almost the universal sympathies of Europe. It was not until another great power, violating the neutrality it had previously maintained, threw its sword into the scale, that the cause of Hungary was defeated. Did anybody ask that we should recognize the independence of Hungary whilst the contest was raging? Whatever were our sympathies, Hungary could not be independent until it acquired independence—which it never did. And yet, actually, while the contest was raging, the United States sent an ambassador over to Vienna with offers of recognition; and that ambassador had the mortification of finding himself just too late—Hungary in the mean time having become entirely subjugated. Was this a dignified situation for a great nation? Was that a situation in which England ought to place herself? No, unquestionably not; we must wait patiently, praying devoutly that the unhappy contest in America may soon terminate. And let who will abuse us, whatever pressure may be put upon us, we must be determined to do this, and nothing but this, which we believe our duty, applying the best and fairest test to the case—consider what we should like to be done to ourselves if we were in similar circumstances. (Hear.) Now our government had up to this point acted upon that principle. Our government acted upon this principle when the question arose regarding the assertion of maritime rights—the rights of war by the vessels of the United States against the shipping of this country. We would not for a moment endure that they should invent new powers; that they should transgress the laws of nations, and violate the hospitality of England by attacking upon the wide seas our ships which happened to have on board persons supposed to be on an expedition hostile to the interests of the north. The whole country was prepared, much as we deplored the necessity of it, instantly to vindicate its honor, and to go to war rather than tolerate such a proceeding. They were bound to obey; and when it had come to a question of submitting, on our part, to the established laws of war, ship after ship in attempting to run the blockade having been taken from us, and about which all sorts of stories were told in the papers, though in many cases there might be a real doubt about the justice of the seizure, we had always said, “we will bear for America what America bore for us under the same circumstances; we must have this matter investigated by prize courts according to the laws of nations, and if these prize courts de-

side against us we must submit to it, unless we can prove some gross and manifest injustice done by them to us which we would not have practiced ourselves." He was bound to say, in justice to the United States, that our government had not as yet been able to find any such gross or manifest injustice. He did not think the honor of the American States had suffered. He believed they had asserted the laws of war about as strictly as we did, and not more strictly, and we had therefore submitted in good faith. Some of the decisions might seem to us hard when compared with what was done in England with regard to the ships of neutrals when war was carried on by ourselves, and with what we may be obliged to administer again if unhappily war should occur again. It would be very surprising if the statesmen of America do not see we have acted in good faith and in honor towards them, for on their account, as well as for the sake of our own nation, government had endured some obloquy from powerful and wealthy citizens who had an interest in carrying on trade with the southern States, and who endeavor in many instances to carry it on without for one moment considering the trouble and anxiety they cause the government, or the peril in which they put the nation. He believed he might venture to state, however, that the government would rather venture to endure the obloquy, or even relinquish office, than fritter away the nation's time and strength in an endeavor to put aside the blockade, which unhappily causes so much serious inconvenience and loss to this country, inasmuch as by so doing we should be abrogating the very course we ourselves had adopted when in the position of belligerents, and when to the uttermost we took advantage of those rights of war which some people would deny to the north.

There was one other subject on which the conduct of our government also deserved a remark. We know very well that it is perfectly lawful for the citizens of a neutral country to trade with both parties if they can. It is also lawful to sell anything which either party would take in the way of merchandise, powder, shot, guns, or any other things; and we had on both sides had customers, and sold a great many articles of that description. But there was, on the other hand, a limit to all that, and it is not consistent with the duty of a neutral nation to supply the means of carrying on war as a government to either party, or to promote warlike exhibitions in its harbors, or send ships-of-war from its shores; and in order to prevent such things being done—which undoubtedly we should have reason to protest against if done to us, and which could hardly be carried on by any nation on a large scale professing neutrality without involving it in war—we had got a law which may or may not be easy to construe, but which certainly was intended to prevent these things. We all knew, as a matter of fact, that the Confederate States had endeavored to make this country the basis of their maritime operations. Our government, in perfect good faith, said this: "We will not permit anything to be done which can be shown to be a violation of our own laws or of the law of nations; we cannot go beyond our laws or of the laws of nations, but we shall do all we can to prevent the evasion of either one or the other, not caring whether one party or the other benefits by it, not balancing the relative strength or trying to alter it, or permitting it to be altered, but simply performing our obligations according to what is dictated by our own domestic legal enactments, and according to the received laws of nations." (Hear, hear.) The Americans had complained of the escape from this country of the well-known Alabama, which, as we know, had committed great ravages upon their commerce, and of other ships said also to have left England for the same purpose. They spoke as though it was a very easy thing for the government to prevent that sort of thing being done, whereas it was a most difficult thing; and it was remarkable that, although their government in former wars had not shown

any want of will to prevent the same thing occurring, he was not aware that they had ever succeeded in preventing it in one single instance, because, although several cases were brought into their courts of law of ships which had gone out of their harbors commissioned by other belligerent powers and taken prizes on the seas, they were taken notice of only because they had the boldness to come with their prizes into the ports out of which they had in the first instance sailed. Therefore, it would not be reasonable for them to hold our government responsible for every evasion of our laws to their disadvantage. On the other hand, he hoped and believed that the people of the country at large would not be inclined to identify themselves in feeling with those merchants of ours who seemed to think that they were bound by no obligation to our laws at all, and that it was perfectly fair for them, if they chose, to carry on a trade with a belligerent power, while at the same time they knew that government were anxious, for the sake of the nation, to preserve a strict neutrality. (Hear.) He did not think that was the part of patriotic Englishmen, loyal to their laws, and having a true view of the interests of the country. Though perfectly conscious of the great difficulties of bringing the law to bear by complete and conclusive evidence in cases of this kind, where every article is used for the purpose of disguise and evasion, he had every confidence that the people of this country would approve the government in the measures they had taken to make it clear and plain that those proceedings were perpetrated without the will, connivance, or consent of those who are responsible for the government of the country. (Hear.) Let him, in conclusion, remind them of the two great things which, by the course the foreign policy our government had hitherto pursued in this American war, they hoped to secure—two things which brought to them inestimable blessings if they go together—peace and honor. They desired to maintain peace, but, of course, only upon honorable terms. (Cheers.) He thought that those who had had the advantage of serving under Lord Russell and Lord Palmerston at this most momentous crisis may look back with satisfaction, if not with pride, upon the manner in which the foreign affairs of this country had, on the whole, been administered. They had ever been forward in maintaining the cause of freedom throughout the world, preferring to do so not less by moral influence than by non-intervention, believing it possible to recognize peace at home with honor abroad, but that it was only possible to do so by a policy perfectly disinterested, perfectly self-denying, perfectly upright, straightforward and honorable. They had no by-object, no end or aim of their own to serve. All they wished to do was their duty, and to preserve the peace of their country and the peace of the world. If they could do this, and do it with consistency and honor in these difficult times—it had been done hitherto, and he believed it could be done yet by their persevering in the same course—he was sure we should owe a deep debt of gratitude, whether we acknowledge it or not to the government, and he believed this debt of gratitude is felt and acknowledged by the people at large.

The honorable gentleman resumed his seat amid general cheering.

Alderman Smurthwaite, who described the attorney general's speech as conspicuous no less for eloquence than for depth of argument and lucidity of statement, moved a vote of confidence in the honorable gentleman, and pledging the electors again to support his return to Parliament as their representative.

Alderman Robson seconded the motion.

The proposition, on being put to the meeting, was carried without a dissentient voice.

A vote of thanks to the chairman terminated the proceedings.

Mr. Seward to Mr. Adams.

No. 736.]

DEPARTMENT OF STATE,

Washington, October 17, 1863.

SIR: I enclose a copy of a letter, of the 13th instaut, addressed to the department by the Secretary of the Navy, and of the contract to which it refers between certain agents of the insurgents for the delivery of naval stores at St. George, Bermuda, to be thence introduced into the United States in violation of the blockade.

You will bring this to the notice of Earl Russell as a measure which, if carried into effect, seems to us to be a violation of the spirit, at least, of the Queen's proclamation, and as requiring such instructions to the authorities in Bermuda as would prevent those islands being made a place of deposit for the purpose referred to.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Welles to Mr. Seward.

NAVY DEPARTMENT,

Washington, October 13, 1863.

SIR: I have the honor to enclose herewith a copy of an original contract in the possession of this department, entered into on the 28th of August, 1863, at Richmond, Va., between George R. Ghiseling, of Kentucky, and John H. Maddox, of Louisiana, under the name and style of George R. Ghiseling & Co., of the first part, and John de Bree, paymaster of the so-called confederate navy, for and in behalf of the navy department of the so-called Confederate States, of the second part, having for its object the procuring from abroad, for the use of the insurgent government, certain naval forces, and looking to the establishment of a depot for such stores at the port of St. Georges, Bermuda.

The schedule referred to in the contract, and forming a part of it, did not come into the possession of this department.

My object in furnishing you with this extraordinary paper is for the purpose of suggesting that the attention of Lord Lyons be called to the proposed violation of the neutrality of Great Britain by making use of one of her Majesty's ports as a depot of naval stores intended for the insurgent government, which has been recognized by Great Britain as a belligerent, and under a contract made under the authority of said government.

In connexion with this contract, it may not be amiss to state that one of the parties to it, Joseph H. Maddox, was early in the rebellion confined at Fort Lafayette upon a charge of illicit traffic and violence of the blockade, and was released on entering into an engagement, under oath, that he would not enter any of the States in insurrection against the authority of the government of the United States, nor hold any correspondence or other communication with persons residing therein, during the present hostilities, without permission, nor do any act hostile or injurious to the government of the United States.

Very respectfully, &c.,

GIDEON WELLES,

Secretary of the Navy.

Hon. WILLIAM H. SEWARD,

Secretary of State.

Copy of contract.

This contract, made and entered into this 28th day of September, A. D. 1863, between George R. Ghiseling, of Kentucky, and Joseph H. Maddox, of Louisiana, under the name and style of George R. Ghiseling & Co., of the first part, and John de Bree, paymaster confederate navy, for and in behalf of the navy department of the Confederate States, witnesseth: That the said party of the first part undertakes and agrees to deliver to the designated agent of the Confederate States navy department, at a port of the Confederate States, east of the mouth of the Mississippi river, in the possession and control of the Confederate States government, within six (6) months from the first (1st) day of October, 1862, all in good merchantable order, the naval stores as set forth in the schedules hereto annexed, marked A, B, C, D, and E, respectively, which schedules are hereby declared to belong to and become part of this contract.

And said party of the first part further stipulates and agrees to purchase or otherwise procure one or more fast and light-draught steamers, and to freight and despatch the same from some foreign port with all the haste possible; said steamers to remain under the exclusive control of said party of the first part during the continuance of this contract, and to be used only in its execution.

And it is understood and agreed that if at any time the said party of the second part shall so direct any part or the whole of deliveries under said schedules A, B, C, D, and E, or under any other hereafter sent, shall be made at the port of St. Georges, Bermuda, excepting such portions thereof as shall already have been actually shipped before the receipt of such order by the party of the first part.

And in consideration of the stipulations by the party of the first part, as hereinbefore set forth, the party of the second part covenants and agrees to pay to the party of the first part, his attorney or assigns, upon certified bills or invoices approved by the agent of the Confederate States at the port whence shipped, the full amount of each and every delivery, with the addition of twenty-five (25) per cent. thereon if delivered in a port of the Confederate States, and with an addition of ten (10) per cent. thereon if delivered at the port of St. Georges, Bermuda, and with the addition, in either case, of the actual cost of transportation, to include the outlay for coal, hire and subsistence of the crew and officers, wharfage, lightage, and labor of loading only: *Provided*, That, in the case of deliveries at a port of the Confederate States, such charges for transportation shall not exceed and may be covered by the payments to the party of the first part of twenty-five (£25) pounds sterling for each and every ton so delivered.

And the party of the second part further covenants and agrees to pay the party of the first part an additional premium of ten (10) per cent. upon all bills or invoices, certified to as above, if delivered at a port of the Confederate States within forty (40) days from the tenth (10) day of October, 1863, there being no premium to be paid upon any charges for freight or transportation.

And the party of the first part agrees and stipulates to receive for all payments to be made to him, at the option of the Confederate States navy department, either sterling bills of exchange, or cotton at sixpence (6d.) sterling per pound, delivered at a port of the Confederate States in the possession and control of the Confederate States government: *Provided*, That said party of the first part may be allowed to convert such bills of exchange into cotton, and to ship all cotton in either way obtained by them without any impressment of or interference with the same during its transportation to or detention at such port; and that it is distinctly understood and agreed that no part of said cotton shall be used for any other purpose than to purchase naval stores under this contract, until all the provisions of the same shall have been carried out and executed; and that no part of said cotton shall at any time be shipped to or sold in any

port belonging to or in possession of the United States of America, under the penalty of forfeiture of all dues and payments to the said party of the first part by the Confederate States navy department.

And, finally, it is understood and agreed that all schedules that may be sent by the party of the second part after the signing of this contract shall become part of it, and be in full force for all the provisions of the same, from the date of their receipt by the party of the first part, and that this contract may be extended beyond the time hereinbefore set forth, both parties thereto concurring: *Provided, also, That if, by the act of God or of the public enemy, there shall be any unavoidable delay or detention in the deliveries under this contract, the time hereinbefore stated shall be extended, so as to allow the party of the first part the time necessary to carry out the stipulations of the same.*

In testimony whereof, we have hereunto set our hands this twenty-eighth day of September, A. D. 1863, at the navy department of the Confederate States of America.

GEORGE R. GHISELING.

J. H. MADDOX.

JOHN DE BREE, *Paymaster, in charge.*

Signed, sealed, and delivered in presence of—

J. P. McCORKLE.

CHARLES J. OST.

Approved.

S. R. MALLORY, *Secretary of the Navy.*

Mr. Seward to Mr. Adams.

[Circular.]

No. 737.]

DEPARTMENT OF STATE,

Washington, October 20, 1863.

SIR: Owing to an accident that befel the Africa, her mails, which are reported to be safe, have been delayed, and thus the department is without foreign advices since my last despatches were written.

Recent domestic military events have no striking importance. Our forces in East Tennessee have made successful advances. General Rosecrans has remained unmolested while fortifying and being re-enforced at Chattanooga. The attempts of the insurgents to break his communications have failed, and they have suffered some disasters. Lee's army having crossed the Rapidan, General Meade withdrew to Centreville, where he observes the enemy. The siege of Charleston continues. We have heard favorable reports from General Banks's movement against Texas.

The annual elections have taken place in Ohio, Pennsylvania, and Iowa, and the results, compared with those of the previous year, are auspicious to the Union.

The President has called for three hundred thousand troops by voluntary enlistment, with the alternative of a draft, and the public sentiment cheerfully sustains the call.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to Messrs. DAYTON, CLAY, PIKE, KOERNER, &c.

Mr. Seward to Mr. Adams.

No. 739.]

DEPARTMENT OF STATE,

Washington, October 23, 1863.

SIR: The mails of the Africa have arrived at last. I hasten to acknowledge the reception of your despatch of the 1st of October, (No. 505,) which informs me of the representation you have submitted to Earl Russell concerning the depredations of the Alabama in the waters which surround the Cape of Good Hope.

Thus far we have received no advices from our consul at that place, or from any other source.

The representation you have made is approved, and as the case shall be further developed you will be expected to maintain the rights of the United States in the spirit indicated in your note to his lordship. I submit for your consideration that the toleration shown by the British authorities at the Cape of Good Hope to the Alabama, a vessel that has never touched American waters, and either burns and destroys all that she captures, or condemns them in pretended courts held by the captors themselves on the deck of their ship, is a virtual confusion of all distinctions known in the law of nations between national belligerent vessels and privateers, and, further, of all distinctions between privateers and pirates. If such is to become the practice of maritime powers, it will be difficult to perceive what the world has gained by the declaration of Paris, or could gain if that declaration should be accepted by all commercial nations.

The ultimate interest of Great Britain in the reprobation of such practices is not less than the immediate interest of the United States in the question.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.,

Mr. Adams to Mr. Seward.

No. 522.]

LEGATION OF THE UNITED STATES,

London, October 23, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 727 to 731, inclusive, and also No. 723 mentioned last week as missing.

The most important of these is No. 730. I have at once given directions to prepare copies of the papers relating to the various cases which have been detained pending a decision, as well as those which came to hand simultaneously with your despatch. I have likewise drawn up a form of note to Lord Russell, based on your instructions, which will accompany them. As the labor of preparation takes time, in addition to the ordinary work of the legation, it may be a day or two before all will be complete to send.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 523.]

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: There is not much in the events of the past week that calls for particular notice. Perhaps the most interesting to you will be the reports of speeches by public men, of more or less note, which commonly take place at this season of the year at popular gatherings or other assemblages, either casually occurring or made on purpose. The address of Lord Brougham at Edinburgh furnishes one more to many preceding examples of the eccentricities of that distinguished man. * * * * *

The speeches of Sir Roundell Palmer and Mr. Callier on their re-election to Parliament are of more consequence. Both of these officers substantially assume satisfactory positions in regard to the questions connected with the United States. *

* * * * * The apprehension of every appearance of taking a side with the United States is one of the phenomena most frequently visible among British statesmen at this crisis.

Another speech is that of Lord de Gray which assumes importance from his position as secretary of war and a member of the cabinet. It is satisfactory as indicating a settled policy on the part of the government. * * *

The speech of Mr. Henley may be construed as indicative of disinclination in the better class of the conservative party to disturb the ministers in their American policy.

On the other hand, efforts are sedulously making to organize a popular movement in behalf of the rebel cause. To this end Lord Wharncliffe, a young nobleman of the conservative party, has accepted the chief place in the association created with that object. Mr. Beresford Hope, Mr. Lindsay, and others, are laboring by particular addresses and in other ways to mature a policy of recognition for production at the next session of Parliament. Thus far it cannot be said that much disposition has been shown to take it up. * * * * *

On the whole, the prospect of quiet looks promising. But it depends so entirely on the course of events not merely in America, but also in the rest of Europe, that it is impossible to count on anything in the future with confidence. The military situation is always a touchstone of the most sensitive description. Of late, however, the very unequivocal preparations making in the north of Europe for a possible conflict in the spring have aroused a great deal of attention, and added to the indisposition to make needless demonstrations.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 525.]

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

SIR: On the 17th instant I addressed a note to Lord Russell calling the attention of her Majesty's government to a war vessel now being prepared at

Glasgow for the insurgents in the United States, called the Canton. Copies of that note, of its enclosure, and of his lordship's acknowledgment, are transmitted herewith.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, October 17, 1863.

MY LORD: It is with great regret that I find it my duty once more to call your lordship's attention to the efforts making in this kingdom to aid the insurgents in America in carrying on their resistance to the government of the United States. I have strong reason for believing that, in addition to a very formidable steam-ram now in process of construction at the port of Glasgow, but not yet so far advanced as fully to develop her character, there is another steamer ready to be launched, called the Canton, having all the characteristics of a war vessel, which is about to be fitted up and despatched with the same intent from the same place. I beg leave to submit to your lordship's consideration some extracts from a letter addressed to me by W. L. Underwood, esq., the consul of the United States, giving some information in regard to this case. Mr. Underwood himself entertains no doubt of the destination of this vessel, although from the secrecy used in the process of construction and preparation, itself a cause of suspicion, he has been slow in gaining evidence on which to base a representation.

Not doubting that her Majesty's government will take all suitable measures to ascertain the correctness of these allegations, I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Underwood to Mr. Adams.

UNITED STATES CONSULATE,

Glasgow, October 15, 1863.

SIR: It is my unpleasant duty to inform you that recently it has come to my knowledge that a ship-of-war, in addition to the formidable iron rams of which I have heretofore given you information, is now being built, and nearly ready to launch, in the ship-yard of Messrs. James and George Thomson, of this city, intended for and belonging to the Confederate States. She is after the model of the rebel ship Alabama. "Canton—London" are the words gilded on her stern. She is a clipper-built screw steamer, with three masts, two of which are iron, one of wood. Her length is from 280 to 300 feet from stem to stern; her beam about 56 feet. Her frame is iron, bordered up with teak wood planking, about five inches thick in the inside, up to the water-mark. She is pierced with four large port-holes and four smaller ones on each side, making sixteen in all; the larger ones seem suited for the sweep and play of pivot guns. She is constructed to carry the greatest portion of her coals in iron side pockets between decks, so as to give an unobstructed passage clear through from one

fire-room to the other. Her water draught is marked fifteen feet. Has "eye-bolts" in her sides, suitable for and intended to handle and secure her guns. She is donkey or bark-rigged, and altogether similar to the Alabama, the only difference being that she has an iron frame, whilst the Alabama has a wooden one. She is probably from 1,200 to 1,500 tons burden, can be launched at any day, and is understood to be only waiting for the spring tide. Her propeller is two-bladed, and of composition metal, very hard, being a mixture of brass and copper, with the flanges so constructed that in case one is injured, another may be put in its place without interfering with the bush. She is known in the yard as the "frigate." She has a screw hoisting gear, for lifting her propeller, and when it is up, has a stern that falls down and makes her appear like a sailing ship. Her cylinder is 60 inches in diameter. Until now the eye-bolts and fixtures for running her guns in and out, her port-holes, and other characteristic contrivances that mark her a war vessel, were all visible and apparent, and with them so it was intended to have launched her on some day of last week.

* * * * *

But in order to conceal the character of the vessel, and thus elude the vigilance and avoid the interference of the government, these characteristic fixtures have been and are being removed. The eye-bolts for the gun gear have been drawn, their holes stopped and effaced, and the bolts stored away, to be replaced when the ship gets to sea. The doors or shutters of the port-holes are to be taken from the hinges, the hinges removed, and the shutters to be screwed or fastened over the port-holes, so as to present a clean side, until she gets out. It is not expected she will take on her armament here. On the contrary, it is understood that, as soon as launched, she will take her boilers and heaviest machinery aboard, and will then be immediately towed to some place to me unknown, to which her remaining machinery will be transported on another vessel, and then be taken on board by her.

* * * * *

The managers of the Canton are fraudulently seeking to evade responsibility by taking advantage of what is understood to be the *letter* of the British rule as to a war vessel's responsibility in leaving her ports armed, &c., whilst by this very fraudulency they are additionally criminal, since her hostile intent is as flagrant and clear as if she had her guns on board.

* * * * *

I can only hope you will lay this case before the British government, and that in its own wisdom it will take immediate steps to investigate the facts I have suggested, and to afford such restraint or remedy as may be consistent alike with its honor and duty.

I am happy to add that the Scotch law affords, as I am advised, peculiar facilities to such preliminary investigations as may be adopted in this case, inasmuch as, unlike the common law, it tolerates and permits an inquiry and interrogation under oath of the party immediately implicated.

I have the honor to be, sir, your obedient servant,

W. L. UNDERWOOD,
United States Consul.

Hon. CHARLES FRANCIS ADAMS,
United States Minister, London.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October 19, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th instant, and its enclosures, relative to a vessel said to be in course of construction at Glasgow, intended for the service of the so-styled Confederate States,

and I have to state to you that I have lost no time in communicating copies of the same to the proper department of her Majesty's government, in order that immediate inquiries might be made into the matter.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 740.]

DEPARTMENT OF STATE,
Washington, October 24, 1863.

SIR: I have received your despatch of the 1st of October, (No. 504.)

The very able speech made by Earl Russell at Blairgowrie is, in its more important aspects, so just and liberal towards the United States that it cannot fail to modify the sentiments of asperity hitherto prevailing among the people in both countries.

Every day's experience of new difficulties in the conduct of the relations of the two countries upon principles which render possible the despatch of armed naval expeditions from British ports to make war on the commerce of the United States could not fail to increase anxiety here, and irritation in both countries. It is not forgotten by this government that one war between the United States and Great Britain has already arisen out of controversies about neutral rights, not more serious than those with which we are now so constantly engaged. The United States, at all times sincerely deprecating a recurrence of that form of national calamity, must necessarily deprecate it now more earnestly than they have done heretofore, for the obvious reason that it would coincide with and aggravate a painful civil conflict. We have never doubted that the government of Great Britain are as sincerely opposed to an unnecessary disturbance of our mutual peace as we ourselves are, and, therefore, we have been anxious that her Majesty's ministers should understand, as clearly as we do, the dangers towards which, as it has seemed to us, we were drifting. It would be no more congenial with the disposition of the President to use these apprehensions by way of menace or intimidation to Great Britain than it would be consistent with the generous spirit of Great Britain to be approached in that manner. In the absence of specifications, I have not been able to find in your correspondence with Earl Russell anything which, dispassionately interpreted, could justly expose you to censure in this respect. If, however, anything of the kind should be indicated to you, or should occur either on your part or on mine, the President will expect that such explanations shall be made as her Majesty's government, with a just regard to the sensibilities of the British nation, may require.

The transactions in which we are engaged are too great, and our responsibilities concerning them are too grave, to allow us for a moment the indulgence of individual irritation, or even of the national jealousy which is quick in seeking or in giving occasions of offence. Great Britain has this one advantage over us in all these cases, that the difficulties between the two countries result directly from a domestic feud of our own, in which unnatural and disloyal Americans are, with infinite art and labor seeking to involve foreign and friendly nations.

I am, sir, your most obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 744.]

DEPARTMENT OF STATE,
Washington, October 26, 1863.

SIR: Your despatch of the 8th instant, (No. 511,) informing me of your proceedings under instruction (No. 692) of the 2d ultimo, respecting Mr. Partidge's course in regard to British interests in Salvador, has been received and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 745.]

DEPARTMENT OF STATE,
Washington, October 26, 1863.

SIR: Your despatch of October 8 (No. 513) has been received. The memorial of the inhabitants of the city of Hereford, and also the proceedings of the people of Hartlepool, have been submitted to the President. The President desires you to present to those constituencies, respectively, his sincere and grateful acknowledgments for the sentiments of good will and friendship towards the United States which they have expressed with so much unanimity and gratifying earnestness. It will be a pleasing duty on the part of this government to vindicate these favorable sentiments which are manifested towards it by the friends of freedom and humanity in Europe.

It can hardly be necessary to ask you to submit to Earl Russell whatever you may write in executing this instruction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 526.]

LEGATION OF THE UNITED STATES,
London, October 29, 1863.

SIR: I have to acknowledge the reception of despatches from the department, numbered 732, 733, and 734. The explanations they give of the policy of the government are clear and satisfactory. The despatch No. 732 contains an enclosure, the contents of which had been already communicated to me from the same source.

There has been little of interest in the events of the week. A communication in the Times, from the writer who takes the signature of "Historicus," in which he comments with force upon the bearing of the intercepted despatches from Richmond on the action of the rebels at Liverpool, has drawn forth replies from Mr. Lindsay and Mr. George N. Saunders, both of them characteristic, and illustrative of the sort of commercial morality that is supposed by them to prevail here.

* * * * *

The hope of getting out the iron-clads does not appear to be yet quite extin-

guished. Some suspicious movements appear to have led to the order of an additional war vessel to keep them in check. Captain Inglefield is an energetic officer, and I think resolved to do his duty in good faith. It is, however, a remarkable circumstance that any such question as the defiance of the government in a leading British port should be supposed possible.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[*From the Morning Star (London) of the 26th of October, 1863.*]

MR. LAIRD, M. P., ON THE ALABAMA AND THE STEAM-RAMS.

At a presentation of prizes to volunteers at Liverpool, on Friday, Mr. Laird, M. P., made a lengthened speech, in the course of which he said: I do not know that I ought to occupy your time any longer, but various statements have been made about a vessel that has attained to some degree of fame. I refer to a vessel well known throughout this country as the Alabama. (Loud and repeated cheering.) I am not ashamed to acknowledge that some of my family have had to do with that ship. Still, some statements have been made about her which should be controverted. I should not have made any remark now but for the fact that the government of this country had made certain statements, and have given certain legal opinions about her, and they have talked about the vessel having escaped. I see my friend Mr. Hind and other gentlemen, who are somewhat of sporting men, and well they know what I mean when I say: when hounds approach a fox cover the fox scents the hounds, and when the huntsman comes up to the cover the fox is gone. It is nonsense to talk about the fox escaping or about the Alabama escaping. The Alabama was in dock when she was inspected by very many curious people; and in dock she took on board her coals and her stores. There was no secrecy whatever observed about the ship. She went out of dock at night; and I ask you, as men of common sense, if she wanted to escape, surely the night was a time when she could have escaped? But what was the fact? They were so vain-glorious about their little craft that they anchored her off the Landing-stage, and there she remained until half past ten to eleven the following morning, when she left for her destination. They admit that she was not fitted out as a man-of-war, and that they had no legal authority to detain that ship until a man was engaged to serve on board her as a sailor. Does any ship-owner present believe, or any man connected with shipping, that the captain of a vessel supposed to be going upon any extraordinary voyage would go and tell a man who appears to have been a hired agent or spy of certain gentlemen in London? Would the captain of a ship on such an expedition go and tell a common sailor at the Sailors' Home all the ins and outs of his intentions regarding that ship? (Hear, hear, and applause.) Certainly not. Now, I know it is not true that the man was told anything of the sort by the captain. I have been so informed, and I believe the information to be on the best authority. But let me tell you it is not necessary, in engaging men to go to any part of the world, to tell these men where they were going; because, you know, I am an old hand myself in fitting out secret expeditions. (Laughter and applause.) A few years ago it was thought desirable by the government of this country to send vessels to China and to various parts of India secretly. A Chinese war was anticipated; the Russians were expected to come down the head of the Indus and the Euphrates; and it was desirable to place faith in somebody. Her Majesty's government were

pleased to place faith in me, and I built for the British government about a dozen vessels; but the government said to me, "What we want you to do, Mr. Laird, is this: we want you to build, and to arm, and equip these vessels, and to send them out; they must be yours, and nobody must know anything about it." Well, being a prudent sort of a shipbuilder, I said, "I will take your order on those conditions." I built the ships; they were armed; I engaged men; I did everything. (Hear, hear, cheers and laughter.) I had to engage not only sailors, but engineers and boiler-makers, ship-carpenters, and men of a variety of trades. I had to send them to various parts of the world, and I can assure you that a few shillings per month extra did all the business. They did not care where they went so long as they got a little extra pay. (Laughter.) And, therefore, the statement regarding the captain of the Alabama having told a sailor all about the ship—whose she was, and where she was for—bears the impress of falsehood upon the very face of it. I never saw the captain of the Alabama but once, and that was after having taken the ship out, and I don't think he was the man to make such a statement as that upon which the ship might have been stopped. Let me read you a few words from a speech of the solicitor general, who made another great speech the other day at Richmond. He said some months ago: It was not till the Alabama reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war. (Hear, hear, and great applause.) And then he went on to say: "But I wish the House to understand that in those depositions there was a great mass of hearsay evidence, which, taken by itself, could not form the basis of any action. Of the six depositions transmitted on the 22d of July, only one was good for anything at all, viz: the evidence of a person named Passmore, which was sufficient to prove the material facts. Two more were sent, corroborating Passmore, on the 24th, and were received by Earl Russell on the 26th." (Hear.) Passmore was the man who made the affidavit that he was told by the captain where the ship was to go. I don't believe him, and he must have got up the evidence for the occasion. Lord Palmerston, whom we all respect, (applause) said, on the 27th of March last, "I have myself great doubts whether, if you had seized the Alabama, we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed, and not properly fitted out for war, and that she received her armament, equipment, and crew in a foreign port. Therefore, whatever suspicions we may have had—and they were well-founded, as it afterwards turned out—as to the intended destination of the vessel, her condition at that time would not have justified a seizure." (Cheers.) Now, here is Lord Palmerston, an old and experienced man, who says, in his opinion, the government would have been liable to considerable damages had they stopped that ship. I think, after what has been said—considering my connexion with this place, and after the noise this vessel has made in the world (laughter and applause)—the meeting will excuse my having brought forward these questions. (Applause.) Other speeches have been made by a noble lord who does not seem to agree with Lord Palmerston. I mean Earl Russell. (Hisses.) He made a speech the other day which has caused a great sensation all over the world, and which the Americans say is only due to the coercion they have put upon him. Earl Russell is a man who is well known and respected throughout the country by his own followers; but he is a man of whom Sidney Smith said that he had such confidence in himself that he would take command of the channel fleet if necessary. Well, I think Earl Russell has undertaken something that he will not be able to carry through quite so easily as perhaps he might command the channel fleet. He has undertaken to say in this country that he can do certain things, and that if he finds the law is not sufficient he can go to Parliament for an indemnity. (Hear, hear.) I don't believe myself that Parliament will ever indemnify any man in the

country, however powerful and however great he may be, if he is trying to transgress the law. (Loud and protracted cheering.) At any rate, up to the time when the act of indemnity is passed there are laws in the land which all of us are bound to obey. (Hear, hear.) Laws are not made for administrations, but for the people of this country, and the people are only bound to obey the law as it stands, and not to obey laws which may possibly come to be passed hereafter. (Renewed cheers.) Another eminent gentleman, Sir Roundell Palmer, had made another speech at Richmond; and I must say, having read that speech, that it is all very well for an eminent lawyer, one of the first legal authorities of the day, to make a speech in the month of March, and say that those were the views of the country, and then to make a speech in support of another client in October of opposite views; but I say it is not the duty of a man who holds the position of a statesman in this country to be placing one interpretation upon certain facts in March and another in October. (Loud cheers.)

Mr. Adams to Mr. Seward.

No. 527.]

LEGATION OF THE UNITED STATES,
London, October 30, 1863.

SIR: I have the honor to transmit a copy of a note received from Lord Russell, dated the 26th instant, in reply to mine to him of the 23d, a copy of which, based on the instructions contained in your despatch No. 730, of the 6th instant, is now submitted with it.

Inasmuch as the argument of your despatch was drawn up more particularly to apply to the case of the "Alabama," I decided upon sending in with my note only the papers connected with the depredations committed by that vessel. This left on my hands a number of others occasioned by the "Florida" not disposed of. I now propose to send those in likewise to his lordship, with a note in which I mean to take notice of his singular allusion to "seeming merchant ships," in the face of the evidence in those cases, which went so far to strip off all such semblance.

The controversy raised by "Historicus" in the Times appears to be gaining vigor from the interposition of Messrs. Lindsay and Saunders. As a general thing, the public appearance of the rebel emissaries proves injurious rather than beneficial to the rebel cause. Mr. Lamar, who is on his way home from his fruitless expedition to Russia, obtained, a few days since, through the interposition of the chairman, Mr. Lindsay, an opportunity to introduce at an agricultural celebration at Chertsey an elaborate prelude of a defence of slavery in the south. But it was not permitted by the former to reach its conclusion, doubtless for reasons satisfactory to himself. Although doctrines of that kind would find little serious objection among members of the higher class, they are extremely repugnant to the convictions of the great body of the people, educated as they have been to an admiration of the labors of Wilberforce and Clarkson. Every attempt to modify their views on the abstract question of slavery has not only failed, but has injured the influence of the maker.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 23, 1863.

MY LORD: It may be within your recollection that, in the note of the 17th of September, which I had the honor to address to you in reply to yours of the 14th of the same month, respecting the claim for the destruction of the ship *Nora*, and other claims of the same kind which I had been instructed to make, I expressed myself desirous to defer to your wishes that they should not be pressed on the attention of her Majesty's government, so far as to be willing to refer the question of the withdrawal of my existing instructions back for the consideration of my government. I have now the honor to inform your lordship of the result of that application.

After a careful resurvey of all the facts connected with the outfit and late proceedings of the gunboat No. 290, now known as the war steamer *Alabama*, I regret to report to you that the government of the United States finds itself wholly unable to abandon the position heretofore taken on that subject.

The reasons for this conclusion have been so often explained in the correspondence which I have heretofore had the honor to hold with your lordship touching this case, that I shall endeavor to confine myself to a brief recapitulation.

The United States understand that they are at peace with Great Britain. That peace is furthermore secured by treaties, which oblige both parties to refrain and to restrain their subjects from making war against each other.

They greatly regret to be compelled to admit the fact that the vessel known first as the gunboat No. 290, and now as the *Alabama*, is roving over the seas, capturing, burning, sinking, and destroying American vessels, without lawful authority from any source recognized by international law, and in open defiance of all judicial tribunals established by the common consent of civilized nations as a restraint upon such a piratical mode of warfare.

That this vessel was built with the intent to make war against the United States, by British subjects, in a British port, and that she was prepared there to be armed and equipped with a specific armament adapted to her construction, for the very purpose she is now pursuing, does not appear to them to admit of dispute.

That this armament and equipment, adapted to this ship and no other, were simultaneously prepared by British subjects, in a British port, with the intent to complete her preparation for her career, seems equally clear. Furthermore, it is sufficiently established that, when this vessel was ready, and her armament and equipment were equally ready, she was clandestinely sent, by the contrivance of her British holders, and the armament and equipment were at the same time clandestinely sent, through the connivance of the same or other British subjects, who prepared them to a common point outside of British waters, and there the armament and equipment of this vessel as a war ship were completed.

This war ship thus deriving all its powers to do mischief from British sources, manned by a crew of British subjects, enlisted in and proceeding from a British port, then went forth on her work to burn and destroy the property of the people of the United States, in fraud of the laws of Great Britain, and in violation of the peace and sovereignty of the United States. From the earliest to the latest day of her career she does not appear to have gained any other national character on the ocean than that which belonged to her in her origin.

From a review of all these circumstances, essential to a right judgment of the question, the government of the United States understand that the purpose of the building, armament, equipment, and expedition of this vessel carried with it one single criminal intent, running equally through all the portions of this preparation, fully complete and executed when the gunboat No. 290 assumed

the name of the Alabama; and that this intent brought the whole transaction, in all its several parts here recited, within the lawful jurisdiction of Great Britain, where the main portions of the crime were planned and executed.

Furthermore, the United States are compelled to assume that they gave due and sufficient previous notice to her Majesty's government that this criminal enterprise was began and in regular process of execution, through the agencies herein described, in one of her Majesty's ports. They cannot resist the conclusion that the government was then bound by treaty obligations, and by the law of nations, to prevent the execution of it. Had it acted with the promptness and energy required by the emergency, they cannot but feel assured that the whole scheme must have been frustrated. The United States are ready to admit that it did not act so far as to acknowledge the propriety of detaining this vessel, for the reasons assigned; but they are constrained to object that valuable time was lost in delays, and that the effort, when attempted, was too soon abandoned. They cannot consider the justice of their claim for reparation liable to be affected by any circumstances connected with the mere forms of proceeding, on the part of Great Britain, which are exclusively within her own control.

Upon these principles of law, and these assumptions of fact, resting upon the evidence in the case, I am instructed to say that my government must continue to insist that Great Britain has made itself responsible for the damages which the peaceful, law-abiding citizens of the United States sustain by the depredations of the vessel called the Alabama.

In repeating this conclusion, however, it is not to be understood that the United States incline to act dogmatically, or in a spirit of litigation. They desire to maintain amity as well as peace. They fully comprehend how unavoidably reciprocal grievances must spring up from the divergence in the policy of the two countries in regard to the present insurrection. They cannot but appreciate the difficulties under which her Majesty's government is laboring, from the pressure of interests and combinations of British subjects apparently bent upon compromising, by their unlawful acts, the neutrality which her Majesty has proclaimed, and desires to preserve, even to the extent of involving the two nations in the horrors of a maritime war. For these reasons I am instructed to say that they frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination, by either party, of the facts or the principles involved in cases like the one now in question. Though indulging a firm conviction of the correctness of their position in regard to this and other claims, they declare themselves disposed at all times, hereafter as well as now, to consider in the fullest manner all the evidence and the arguments which her Majesty's government may incline to proffer in refutation of it; and in case of an impossibility to arrive at any common conclusion, I am directed to say that there is no fair and equitable form of conventional arbitrament or reference to which they will not be willing to submit.

Entertaining these views, I crave permission to apprise your lordship that I have received directions to continue to present to your notice claims of the character heretofore advanced, whenever they arise, and to furnish the evidence on which they rest, as is customary in such cases, in order to guard against possible ultimate failure of justice from the absence of it.

In accordance with these instructions, I now do myself the honor to transmit the papers accompanying the cases heretofore withheld pending the reception of later information.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

*Earl Russell to Mr. Adams.*FOREIGN OFFICE, *October 26, 1863.*

SIR: I have had the honor to receive your letter of the 23d instant. In that letter you inform me that you are instructed to say that the government of the United States must continue to insist that Great Britain has made itself responsible for the damages which the citizens of the United States sustain by the depredations of the vessel called the *Alabama*. But towards the conclusion of your letter you state that the government of the United States are not disposed to act dogmatically, or in a spirit of litigation; that they desire to maintain amity as well as peace; that they fully comprehend how unavoidably reciprocal grievances must grow up from the divergence of the policy of the two countries in regard to the present insurrection. You add further, that the United States frankly confess themselves unwilling to regard the present hour as the most favorable to a calm and candid examination by either party of the facts or the principles involved in cases like the one now in question. With this declaration her Majesty's government may well be content to await the time when a calm and candid examination of the facts and principles involved in the case of the *Alabama* may, in the opinion of the government of the United States, usefully be undertaken.

In the mean time I must request you to believe that the principle contended for by her Majesty's government is not that of commissioning, equipping, and manning vessels in our ports to cruise against either of the belligerent parties—a principle which was so justly and unequivocally condemned by the President of the United States in 1793, as recorded by Mr. Jefferson in his letter to Mr. Hammond of the 15th of May of that year. But the British government must decline to be responsible for the acts of parties who fit out a seeming merchant ship, send her to a port or to waters far from the jurisdiction of British courts, and there commission, equip, and man her as a vessel-of war.

Her Majesty's government fear that if an admitted principle were thus made elastic to suit a particular case, the trade of ship-building, in which our people excel, and which is to great numbers of them a source of honest livelihood, would be seriously embarrassed and impeded. I may add, that it appears strange that, notwithstanding the large and powerful naval force possessed by the government of the United States, no efficient measures have been taken by that government to capture the *Alabama*.

On our part I must declare that to perform the duties of neutrality fairly and impartially, and at the same time to maintain the spirit of British law, and protect the lawful industry of the Queen's subjects, is the object of her Majesty's government, and they trust that the government of the United States will recognize their earnest desire to preserve, in the difficult circumstances of the present time, the relations of amity between the two nations.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 528.]

LEGATION OF THE UNITED STATES,

London, October 30, 1863.

SIR: I have the honor to acquaint you that I have just received from Mr. Harvey, the minister resident of the United States at Lisbon, a telegram, the language of which is as follows:

"Please inform the department that cruiser Georgia has been depredated near Teneriffe, and boarded Liverpool steamer Braganza last Sunday, one hundred and fifty miles from here, heading northward towards British channel. I have notified Kearsarge at Brest, and adopted all other practical measures."

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Adams.

No. 748.]

DEPARTMENT OF STATE,
Washington, November 2, 1863.

SIR: I have to acknowledge the receipt of your despatch of the 16th ultimo, (No. 518.) Your note of the 12th of October to Earl Russell, as well as that of the 24th of September, is approved.

I am, sir, your obedient servant,

F. W. SEWARD,
Acting Secretary.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 529.]

LEGATION OF THE UNITED STATES,
London, November 4, 1863.

SIR: Despatches from the department, numbered 735, 736, and 737, have been received this week at this legation.

In obedience to the direction contained in No. 736 of the 17th of October, I addressed a note to Lord Russell on the subject of the intercepted contract, a copy of which was received with that despatch. A copy of my note is herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 3, 1863.

MY LORD: I have great regret in being obliged to lay before your lordship new proofs of the manner in which the neutrality of her Majesty's ports is abused by the insurgents of the United States in order the more effectually to procrastinate their resistance.

I have the honor to transmit the copy of a letter addressed to the Secretary of State by the Secretary of the Navy of the United States, dated the 13th day of October, together with a copy of a contract entered into between certain parties and an agent of the insurgents, the original being now in the possession of the government, one of the objects designated in which is the establishing in the port of St. Georges, in the island of Bermuda, of a depot of naval stores for their use and benefit in the prosecution of the war.

This proceeding, if carried into effect, would seem to be so entirely in violation of the spirit, not less than the letter, of her Majesty's proclamation, that I am instructed to ask your attention to the expediency of giving such instructions to the authorities in Bermuda as would prevent its being made a place of deposit for the purpose referred to.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,
CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 530.]

LEGATION OF THE UNITED STATES.

London, November 5, 1863.

SIR: In my despatch No. 527, of the 30th of October, sent last week, I mentioned my intention to address a note to Lord Russell, in reply to his of the 26th of that month, and at the same time seize the opportunity to send in the papers which yet remained in my hands relating to cases of depredation committed by the *Oreto*, *alias* the Florida. A copy of that note is herewith transmitted.

In relation to the extraordinary proceedings of the Alabama at Cape Town, reported in my despatch No. 505, of the 1st of October, probably one of those detained by the accident which happened to the Africa, I have now received from Lord Russell a reply to my representation. A copy of his note is transmitted, as well as of my acknowledgment of it. I presume the assurances to be given to you through Lord Lyons are intended to be satisfactory. I am not unwilling to be relieved of the necessity of arguing here a new question, which adds another heavy responsibility to those already incurred by this government from its feeble and fluctuating policy. It is alleged in the newspapers that a portion of the merchandise taken in the captured vessel was actually sold by the commander of the Alabama at Cape Town. This would seem to involve a question of restoration. I do not perceive that Lord Russell alludes to this. Perhaps it was not necessary, as I think there was no reference to it in the consul's representation, upon which my first note was based.

Since writing the above I have received a letter from Mr. Graham, the consul at Cape Town, a copy of which, at his request, I transmit. It appears to establish the fact that the governor considered the sale of captured property as not prohibited by the Queen's proclamation. Hence it is scarcely to be doubted that such sales were actually made. I shall write to Mr. Graham to obtain, in some form or other, the evidence to which he refers, and send it to the department.

Judge Pringle has likewise sent to me a supplement to the Cape Town Advertiser of the 17th of September last, containing the private journal of an officer of the Alabama, giving a full account of all her operations from the commencement. It goes far to corroborate the statement of the paymaster, Mr. Yonge, who was one of the principal witnesses in the case of the Alexandra. Although not available as evidence, I shall cause it to be reprinted here and send copies to the attorney general and other parties, who may be open to further conviction.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 26th instant.

The conclusion to which it would seem that both governments arrive, in regard to the disposition to be made of the claims growing out of the depredations of the Alabama and other vessels issuing from British ports, appears to render further discussion of the merits of the question unnecessary. It is only to preclude the possibility of any inference growing out of an omission to notice it that I beg permission to make a single remark in connexion with your lordship's observation, that "the British government declines to be responsible for the acts of parties who fit out a seeming merchant ship." So far as the vessels now complained of are concerned, I think no reasonable doubt can be entertained, from the evidence which was obtained before their departure, that they never bore the semblance of merchant ships, even to her Majesty's officers who reported upon them.

I now beg permission to lay before her Majesty's government a number of memorials and other papers connected with the depredations of the vessel formerly called the Oreto, and now the Florida, which I am instructed to request may be disposed of in the manner indicated in my note of the 23d instant, to which your lordship's was in answer.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, October 29, 1863.

SIR: I acquainted you in my letter of the 2d instant that the matter connected with the proceedings of the confederate steamer Alabama at the Cape of Good Hope, to which your letter of the 29th September referred, were under the consideration of her Majesty's government.

Those matters were the capture by the Alabama of the United States vessel Sea Bride within, as was alleged, the territorial jurisdiction of Great Britain; secondly, the character of the Alabama herself; thirdly, the manner in which the Tuscaloosa, alleged to be a tender of the Alabama, was dealt with by the authorities of the cape. On these several points I have to state to you—first, that her Majesty's government are satisfied, by the concurrent testimony of the colonial and naval authorities at the cape, that at the time of capture the Sea Bride was considerably more than three miles distant from the nearest land; secondly, that as regards the character of the Alabama, that vessel is entitled to be treated as a ship-of-war belonging to a belligerent power, and that neither the governor nor any other British authority at the cape was entitled to exercise any jurisdiction over her; thirdly, that as regards the Tuscaloosa, although her Majesty's government would have approved the British authorities at the cape if they had adopted towards that vessel a course different from that which was adopted, yet the question as to the manner in which a vessel under such circumstances should, according to the tenor of her Majesty's orders, be dealt with was one not altogether free from uncertainty. Nevertheless, instructions

will be sent to the British authorities at the cape for their guidance in the event of a similar case occurring hereafter. And her Majesty's government hope that under those instructions nothing will for the future happen to admit of a question being raised as [to] her Majesty's orders having been strictly carried out.

Copies of the reports from the colonial and naval authorities on the matters in question will be sent to her Majesty's minister at Washington, who will thereby be enabled to give to the government of the United States any further explanation they may desire to obtain on the subject.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.,

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 31, 1863.

MY LORD: I have the honor to acknowledge the reception of your note of the 29th instant, in reply to my representation of the proceedings of the steamer Alabama at the Cape of Good Hope.

Inasmuch as your lordship intimates that further explanation will be made to my government through the agency of her Majesty's minister at Washington, I shall confine myself to the transmission of a copy of your note.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Mr. Graham to Mr. Adams.

UNITED STATES CONSULATE,
Cape Town, September 26, 1863.

SIR: The Alabama sailed again from Simon's bay yesterday at 3 o'clock a. m. I have not had any further intelligence direct from the Vanderbilt, though she is reported as having been seen by one vessel off Cape l'Aguthas on the 22d instant, and by another off Danger Point on the 23d. The latter reported her to be going eastward.

On the 20th instant I sent despatches for the Vanderbilt, in charge of American seamen going eastward in vessels, to be delivered if spoken; and if not, to be handed to my consular agent at Algoa bay, or the consul at Mauritius. The bearers were men I could trust, and the despatches contained the information that the Alabama was here. The despatches were probably not delivered in time, or the Vanderbilt would have been here before the Alabama sailed. The latter vessel, I believe, has now gone to the coast of Brazil direct.

Fourteen seamen taken prisoners from American ships by the Alabama at different dates, and who subsequently joined her crew to get out of irons, made their escape from her while here, (the last time,) and are now under my protection. Many others also escaped from her at the same time, but as they were British subjects who joined her originally, I would have nothing to do with their support.

I encouraged them, however, to desert and secrete themselves till her de-

parture, and then to claim support from the British authorities here. In furtherance of my object to cripple her for want of men, I visited the governor on the 22d instant, and asked him by what authority the police could arrest deserters from the Alabama in this colony. And he answered, "None whatever." He added, that the seamen must not resist any attempt of the police to take them before a magistrate, (in which case I could appear in court,) but they would have the right to resist an attempt to place them in custody of officers of the Alabama.

I immediately informed the men of the decision, and wrote to the captains of the city and water police, informing them that I should hold them responsible in the court for false imprisonment and kidnapping if they attempted to make such arrests. This had the desired effect, as no arrests were made, and the Alabama sailed with about twenty-five men short of her complement.

At the above interview with the governor he stated that I had been misinformed as to the evidence taken in relation to purchase of prize cargoes, for none had been taken before a magistrate, as I had assumed.

I then stated to him the substance of the information I had received, and handed him the names of the six witnesses whose depositions I desired should now be taken under his authority. He declined, however, to give his authority for the examination, alleging that the purchase of prize cargoes was not distinctly forbidden in the Queen's proclamation. I endeavored to show, in reply, that as the proclamation forbade the entry of captured vessels into British ports, it was intended that British subjects should have nothing to do with them; but this argument failing to persuade him to authorize the examination, the interview ended.

Please send a copy of this despatch to Washington, as the *immediate* departure of the French steamer Tigre for Suez leaves me no time to make a duplicate copy. Enclosed please find list of consular appointments published at my request in the government gazette of yesterday.

I have the honor to be, sir, your obedient servant,

WALTER GRAHAM,

United States Consul for the Cape of Good Hope.

Hon. CHARLES F. ADAMS,

Envoy Extraordinary, &c., &c., London.

Government notice, No. 295, 1863.

COLONIAL OFFICE,

Cape of Good Hope, September 23, 1863.

It is hereby notified that his excellency the governor has been pleased to recognize the following consular appointments made by the consul general for the United States of America:

To be deputy consul at Cape Town.—John Philip Christie, esq.

To be consular agents.—At Port Elizabeth, Joseph C. Hess, esq.; at Simon's Town, John M. Hoets, esq.; at Mossel bay, Edward Eagar, esq.; at Port Natal, George C. Cato, esq.

By command of his excellency the governor.

RAWSON W. RAWSON,

Colonial Secretary.

Mr. Adams to Mr. Seward.

No. 531.]

LEGATION OF THE UNITED STATES,
London, November 6, 1863.

SIR: Little has happened thus far this week deserving of particular notice. I learn that there is great activity in forwarding arms to the rebels and in fitting out vessels both at Glasgow and at this place. On these matters I do not write at large, presuming that you get full and faithful reports from other sources.

A few months ago extraordinary efforts were made to circulate in this country a pamphlet entitled *An address to Christians throughout the world*, by the clergy of the Confederate States of America. I found it stitched in among the advertisements usually appended to the numbers of the *Edinburgh Quarterly*, and other leading reviews and magazines. In this position I infer that the insertion must have been obtained at no inconsiderable cost of money. It may reasonably be doubted whether it was a very judicious or profitable expenditure to the parties undertaking it. In Scotland it has stirred up the leading clergy to make a reply, a copy of which I send herewith.

I have the honor to be, sir, your obedient servant.

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[*From the London Daily News, November 3, 1863.*]

REPLY TO THE ADDRESS OF THE CONFEDERATE CLERGY ON SLAVERY.

The following is a reply by ministers of the churches in Scotland to the "Address to Christians throughout the world, by the clergy of the Confederate States of America:"

We, the undersigned ministers of the churches in Scotland, in reply to the appeal made to us in the "Address to Christians throughout the world," recently put forth "by the clergy of the Confederate States of America," feel bound to give public expression to our views, lest our continued silence should be misconstrued, as implying either acquiescence in the principles of the document, or indifference to the crime which it seeks to defend.

We refer, of course, to a single topic—that of slavery—as it is handled in the address. We desire to say nothing inconsistent with our country's attitude of strict neutrality as regards the war raging across the Atlantic. We do not discuss any of the political questions connected with its origin, progress, and probable issues. We offer no opinion on the measures adopted on either side. Nor are we to be regarded as shutting our eyes to the past and present sins and shortcomings of the north in relation to the African races. The one object we have in view is to express the deep grief, alarm, and indignation with which we have perused the pleading on behalf of slavery in general, and American slavery in particular, to which so many servants of the Lord Jesus Christ have not scrupled to append their names. With the feeblest possible incidental admission of "abuses," which they "may deplore in this as in other relations of mankind," we find these men broadly maintaining, in the most unqualified manner, that "the relation of master and slave"—"among us," they add, to make their meaning more explicit—is not incompatible with our holy christianity."

They thank God for it, as for a missionary institution—the best, as it would seem, and the most successful in the world. They hold it to be their peculiar function to defend and perpetuate it. And they evidently contemplate the formation of the southern confederacy upon the basis of slavery as one of its fundamental and permanent principles or elements, not only without regret, but with entire satisfaction and approval.

Against all this—in the name of that holy faith and that thrice holy name which they venture to invoke on the side of a system which treats immortal and redeemed men as goods and chattels, denies them the rights of marriage and of home, consigns them to ignorance of the first rudiments of education, and exposes them to the outrages of lust and passion—we most earnestly and emphatically protest. We do not think it needful to argue. The time for argument has for many a year been regarded by the whole of enlightened Christendom as past and gone. Apologists for slavery, attempting to shelter themselves and it under the authority of God's word and the gospel of Jesus Christ, are to be denounced as really, whatever may be their intention, the worst enemies of both.

All reasonable allowance, no doubt, should be made for the circumstances of Christian ministers called in Providence to labor where slavery exists. Some soreness, even, on their part, under what they regard as unjustifiable and dangerous movements on the other side, might be excused as not unnatural. And if we saw them manfully lifting their voice on behalf of universal liberty, and setting themselves to aim at the instant redress of the more flagrant of the wrongs incident to a state of bondage, we should be prepared calmly to listen to their representations as to the best and likeliest practical methods of promoting the present amelioration of the condition of the slaves, and securing, within the shortest period consistent with safety, their complete and final emancipation.

We are reluctant to abandon the hope that, upon reconsideration, and in the view of the sentiments now unanimously held and expressed on this subject everywhere else, all over Christendom, our American brethren may yet be induced to take up a position more worthy of our common faith than that which they at present occupy. But at all events, the obligation lying upon us, as things now stand, towards them, towards ourselves, towards the church and the world, towards the Bible and the Gospel, is to record in the strongest possible terms our abhorrence of the doctrine on the subject of slavery which the southern clergy teach, and upon which they act; and to testify before all nations that any state, empire or republic, constituted or reconstructed, in these days of Christian light and liberty, upon the basis of that doctrine, practically applied, must, in the sight of God, be regarded as founded on wrong and crime, and as deserving not His blessing, but His righteous wrath.

Rob. S. Candish, D. D., Edinburgh; Thomas Guthrie, D. D., Edinburgh; John R. Macduff, D. D., Glasgow; W. H. Goold, D. D., Edinburgh; A. K. H. Boyd, B. A., Edinburgh; Charles J. Brown, D. D., Edinburgh; Andrew Thomson, D. D., Edinburgh; H. Wellwood Moncreiff, Bart., D. D., Edinburgh; W. Lindsay Alexander, D. D., Edinburgh; James Begg, D. D., Edinburgh; William Arnot, Edinburgh; J. Oswald Dykes, Edinburgh; William Pulsford, Edinburgh; A. Moody, Stuart, Edinburgh, Duncan Ogilvie, M. A., Edinburgh; J. H. Wilson, Edinburgh; R. Macpherson, Edinburgh; George Brown, Edinburgh; James Robertson, Edinburgh; Robert Gordon, Edinburgh; Alexander Black, D. D., Edinburgh; John Braidwood, Edinburgh; Robert Hunter, A. M., Edinburgh; A. L. Simpson, Edinburgh; Robert Nisbet, D. D., Edinburgh; Andrew Crichton, Edinburgh; David Croom, Edinburgh; N. Davidson, D. D., Edinburgh; George Johnstone, D. D., Edinburgh; William Anderson, Loanhead, Edinburgh; Thomas Main, Edinburgh; William Tasker, Edinburgh; James Gall, Edinburgh; R. D. Duncan, Edinburgh; Edward A. Thomson, Edinburgh; Thomas Cochrane, Edinburgh; William Balfour, Edinburgh; James Kirkwood, Edinburgh; William

Gillespie, Edinburgh; John R. Macduff, D. D., Glasgow; Rob. Buchanan, D. D., Glasgow; R. Jamieson, D. D., Glasgow; John Eadie, D. D., L.L. D., Glasgow; Patrick Fairbairn, D. D., Glasgow; James Henderson, D. D., Glasgow; John G. Lorimer, D. D., Glasgow; John Forbes, D. D., L.L. D., Glasgow; John Roxburgh, D. D., Glasgow; Alexander S. Patterson, D. D., Glasgow; Andrew A. Bonar, Glasgow; Walter Smith, Glasgow; A. B. Parker, D. D., Glasgow; John B. Johnstone, D. D., Glasgow; George Jeffrey, D. D., Glasgow; J. Logan Aikman, Glasgow; William Symington, Glasgow; John McDermid, Glasgow; John Ker, Glasgow; George C. M. Douglas, Glasgow; William Lindsay, D. D., Glasgow; John Robson, D. D., Glasgow; Hamilton M. Macgill, Glasgow; D. McTaggart, D. D. Glasgow; W. D. Henderson, Glasgow; Robert Bremner, M. A., Glasgow; George Philip, A. M., Glasgow; James Freer, Glasgow; James Macnaught, Glasgow; David Menzies, A. M., Glasgow; Robert Howie, M. A., Glasgow; Dugald MacColl, Glasgow; Alexander Wilson, Glasgow; Jos. Logan, Glasgow; Hugh McDougall, Glasgow; John Edwards, Glasgow; James Knox, M. A., Glasgow; Matthew Murray, Glasgow; Robert S. Drummond, M. A., Glasgow; James Johnston, Glasgow; G. Marshall, Middleton, Glasgow; R. C. Smith, Glasgow; David Mitchell, Glasgow; John Torrance, Glasgow; James Fraser, Glasgow; Thomas M. Lawrie, Patrick, Glasgow; Robert Niven, Maryhill, Glasgow; Henry Calderwood, Glasgow; John W. Borland, Glasgow; David Pirret, Glasgow; John Cairns, D. D., Berwick-on-Tweed; David Brown, D. D., Aberdeen; Alexander Beith, D. D., Stirling; W. Binnie, M. A., Stirling; N. McMichael, D. D., Dunfermline; William Nixon, Montrose; John Ainslie, D. D., St. Andrews; Alexander L. R. Foote, Brechin; Richard Waterston, Forfar; Horatius Bonar, D. D., Kelso; James Julius Wood, D. D., Dumfries; William Grant, Ayr; John Fordyce, Dunse; John Duns, D. D., Torphichen; William Wilson, Dundee; J. W. Wright, A. M., Haddington; John Purves, Jedburg; William Laughton, Greenock; George Lewis, Ormiston; John Macfarlane, D. D., Dalkeith; A. W. Milne, Canobie; David C. A. Agnew, Wigtown; Robert Macdonald, Leith; Joseph Brown, D. D., Dalkeith; W. Bruce Cunningham, Prestonpans; Charles Nairn, Dundee; John Blakely, D. D., Kirkintilloch; J. A. Wallace, Hawick; Lewis H. Irving, Falkirk; George Macaulay, Inveriel; James Grierson, D. D., Errol; Angus M. McGillivray, Dairsie; John Tait, Dumbarton; Robert Taylor, Blairgowrie; John Nelson, Greenock; Andrew Cameron, Stirling; J. W. Taylor, Flisk; Islay Burns, Dundee; Alexander Sorley, Arbroath; Charles Watson, Langholm; Alexander Hislop, Arbroath; John Laidlaw, Perth; William Mackenzie, North Leith; Peter McDowall, A. M., Alloa; Thomas Neilson, M. A., Rothesay; George Burns, D. D., Corstorpline; Robert Reid, Firth, Orkney; David Cairns, Stichel, Kelso; John Bruce, D. D., Newmilns; Henry Renton, M. A., Kelso; James McGill, Lochmaben; James R. McGavin, D. D., Dundee; Robert Paterson, D. D., Kirkwall; Walter Morison, B. A., Ayr; W. D. Robb, A. M., Orkney; James Roy, M. A., Firth, Orkney; William Sinclair, M. A., Kirkwall; William Pringle, D. D., Auchterarder; Norman Macleod, North Uist; Graham Mitchell, M. A., L.L. D., Whitburn; Robert Machray, A. M., Dumfries; James Mackenzies, Dunfermline; D. McVean, Iona; J. McKerrow, D. D., Bridge of Teith; J. G. McVicar, D. D., Moffat; P. Grant, Dundee.

October, 1863.

NOTE.—Nearly one thousand signatures, of which a few are given above, have already been received. Ministers in Scotland who wish their names appended to the document are requested to send their address at once to Messrs. Nelson & Sons, publishers, Edinburgh, before the list is completed.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 532.]

LEGATION OF THE UNITED STATES,
London, November 6, 1863.

SIR: I have the honor to transmit copies of the *Morning Post* which contain reports of the proceedings thus far, in the court of exchequer, on the case of the *Alexandra*, on the question of an appeal from the ruling of the chief baron, at the trial held last spring. It now appears that the chief baron declines to sign a bill of exceptions because it imputes to him certain legal declarations which he never made, and objects to him that he did not give instructions which he avers were the very ones he did give. As a consequence, a technical barrier was at once raised against further operations, which proved so difficult to remove, that resort was finally had to the extraordinary step of creating a new rule for the purpose of admitting a motion on the part of the government. Thus far the new attorney general seems to have succeeded in forcing his way out of this court. But he has yet some further difficulties to overcome before he can get into the exchequer chamber which, from the intimations made at the opening, would seem to be fully prepared to receive him.

* * * * *

I am now rather hopeful of a better final result than I was in the spring. There has been a marked alteration in the tone of the leading newspapers, which will not fail to produce its effect on the classes which they reach. A copy of the *Globe* of the 4th instant, containing a leader on the subject, is herewith transmitted.

I have the honor to be, sir, your obedient servant,
CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[From the *Morning Post* of November 4, 1863.]

COURT OF EXCHEQUER.—Nov. 3.

Sittings in Banco in Michaelmas Term.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

The lord chief baron, on taking his seat on the bench, said: The ordinary practice is to take, first of all, the peremptory paper in the first two days of term; but, Mr. Attorney General, as I presume you are in attendance on the business of her Majesty, you are entitled to pre-audience.

THE ATTORNEY GENERAL *vs.* SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general. My lord, I came here to apply to your lordships not at present to go into any motion which will involve any lengthened discussion or argument, but to give me longer than the ordinary time appointed to us for the purpose of making, if it should become eventually necessary, a motion for a new trial in the case of the "*Attorney General vs. Sillim*," which was tried before your lordship at the last sittings after term, and concerned the forfeiture of the ship *Alexandra*. It will be in your lordship's recollection that your lordship on that occasion laid down the views which you thought ought to govern the jury as to the construction of the foreign enlistment act. Your lordship did so in a manner which we thought perfectly clear and intelligible to all persons. There was no difference whatever in the understanding of your lordship's ruling on the part of the counsel for the crown, and we have no reason to suppose it

was otherwise as regards the counsel for the defendants, or that it was generally understood in any other sense than that in which we understood it. At the end of the trial we expressed a wish to offer, in the usual manner and form, exceptions to that ruling, and we were told that it was not necessary at all to stand upon form. His lordship said, "I will accept any bill of exceptions you wish to tender," and accordingly after the verdict we wrote out the principal points which we understood he had laid down; but his lordship said we were not to be bound by what passed on that occasion, and that the matter could be easily settled. Of course we were in hope that there would be no difficulty at all in consenting to a bill of exceptions. The case involved a point of very great importance, most fit for exceptions to the solemnly tendered for, in order that it might go to a court of error, and, if necessary, to the last court of appeal. We are most anxious that the question should be so raised and determined, and we have no reason to doubt that the other side is equally so, but hitherto there have been difficulties in arriving at any form of exception which we can rely upon as certain to receive the signature of his lordship. We hope that these difficulties may be overcome. We are in communication with the counsel on the other side, who have in their possession the form of exceptions we propose, and we trust that an agreement in writing may be arrived at with them; or if that should not happen, that his lordship, on being applied to at chambers in the usual manner, will be able to settle such a form of bill of exceptions as will raise the real question, to be determined in a way satisfactory to both parties and useful to the public.

The lord chief baron. I think it right to state that I see no prospect whatever of any change in the view I took as to my duty in deciding upon the bill of exceptions. A correspondence has passed between me and the late attorney general, which probably you may have seen; you were not present at the whole of the trial. So far from my laying down the law, as the bill of exceptions tendered to me assumed, I took particular pains to avoid anything of the kind. I had originally during that argument of Sir H. Cairns undoubtedly entertained an impression—I called it no more—that all the expressions in that act, "equipping," "fitting out," and so on, probably meant the same thing, and were to be referred to the verbiage of an act of Parliament, just in the same way as the words "ship or vessel," which are commonly used in statutes, and no doubt are intended to mean the same thing. But the late attorney general, in his address, referred to a case of an American court with an appeal to a superior court, where the decision below was affirmed. It was a case where the vessel was completely prepared in every respect with the exception of being armed. When I came to sum up, I mentioned that case to the jury, and commended it so far as to say I adopted it. I left it to them, and pointed out what had apparently fallen from the counsel as to the law on the subject, not what I considered was the law. I then finally left the question to them in the alternative, using the very words of the act of Parliament. "If you think," I said, "this vessel was armed, or equipped, or fitted out, or intended to be armed, or fitted out, or equipped, your verdict must be for the crown. If not, it must be for the defendants." Now, the attorney general presented to me a bill of exceptions by which I was said to have told the jury that the vessel must be armed, and that if it was not armed there was no offence. I not only did not tell the jury so, but if you read the shorthand writer's notes, I think you will say no person can have any doubt that I left the question as I have just stated. But probably, Mr. Attorney General, the object you have in view may be attained by a motion without reference to a bill of exceptions. It is true no point was reserved at the trial so as to give you a right of appeal in the event of the rest of the court concurring with me in the direction I gave to the jury. But this is a matter of so much importance—I do not know whether I can pledge the whole court in this respect—but certainly it would be very much to be lamented, however unani-

mous this court might be, if we did not give you what we have the power of doing—an appeal to a superior court.

The attorney general. I understand you have no power by act of Parliament to give an appeal unless there be a difference of opinion among your lordships.

The lord chief baron. That is not so.

The attorney general said he had misunderstood his learned friend, Mr. Jones, on that point.

The lord chief baron. We have the power of granting an appeal, and I must say, as far as I am concerned—however unanimous and strong the court may be upon the point of law—if you wish an appeal you will certainly have my voice in favor of granting it.

Mr. Baron Bramwell. I understand the difficulty to be that the common law procedure act does not apply to a case of this kind.

The attorney general. Mr. Jones has carefully considered the matter, and he is strongly of opinion that the act does not meet the case.

Mr. Baron Bramwell. You are apprehensive that the lord chief baron will decline to sign the bill of exceptions in the form in which you have tendered it, and if you move for a new trial on the ground that he directed the jury wrongly, and he reports that he did not so direct them, of course we could not grant a rule for a new trial under those circumstances. That is the sort of difficulty in which you are placed.

The attorney general. We have merely in the bill of exceptions adopted the *litera scripta* which we have here. I am not aware that even a learned judge is able to interpret his own words, in an application for a new trial, in a sense different from that which they really mean.

Mr. Baron Bramwell. We ought not to depart from the ordinary practice of taking the judge's interpretation of the words in which he directed the jury.

The lord chief baron. I will read the shorthand writer's notes as to what I left to the jury. "The question is," I said, "was there any intention in the port of Liverpool, or any other port, that the ship should be, in the language of the act of Parliament, equipped, fitted out, or armed, with the object of taking part in any contest." I also said, "If you think that the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then there is sufficient matter for your consideration; but if you think the object really was to build a vessel in obedience to orders and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not in any degree been broken. I leave you to find that by your verdict."

The attorney general said his lordship stated, at the conclusion of the trial, that he would not bind the attorney general to what passed on that occasion; that he could not alter the thing then, but that he had no doubt the learned gentleman had a very accurate note of what he had said. His lordship did not contradict the version which his learned friend gave at that time of his direction to the jury.

The lord chief baron. The question, however, now is, what course can we take consistent with the rules of the court. If you wish to move for a new trial on the ground that the jury ought not to have found the verdict they did, the court will entertain that application; but if you mean to reserve to yourself the power of making a motion for a new trial on a point of law, having tendered a bill of exceptions containing that or some other point, I do not think the court would consent to that course.

The attorney general. My application is now simply to have the time for moving for a new trial enlarged, so that both sides may agree as to what your lordships said to the jury as to the interpretation of the statute. We believe

that the jury returned a verdict upon your lordship's interpretation of the statute.

The lord chief baron. Nothing of the kind occurred.

The attorney general. Then both sides are under a misapprehension, and it is their common wish to raise the point by a bill of exceptions if possible. We ask you to enlarge the time for moving beyond the four days; and if, in the mean time, we do not get your lordship's signature to the bill of exceptions, I will move for a new trial.

Mr. Baron Bramwell. We have no power under the act to allow more than four days, except by your making the motion for a new trial, and then adjourning it, but that would not answer your purpose.

The attorney general said this was the second day allowed for moving, and by the fourth they would consider whether the case could be brought under the common law procedure act.

It was then understood that the case should be mentioned again before the four days expired.

EXCHEQUER CHAMBER.—Nov. 3.

Sittings in error.

THE ALEXANDRA CASE.

The judges sat in the court of exchequer this morning for the purpose of appointing the days for sittings in error in the exchequer chamber.

Lord Chief Justice Erle said the court had appointed the following days: For errors from the Queen's bench, Thursday, the 26th, and Friday, the 27th November; for errors from the common pleas, Saturday, the 28th November, and Monday, the 30th; and for errors from the exchequer, Tuesday, 1st December, and Wednesday, 2d December. His lordship added, that with regard to the errors from the exchequer, the arrangement was conditional, and was subject to any alteration which might be necessary for the interests of public justice. There was one case (the case of the Alexandra,) which he believed would probably go to the exchequer chamber, which was of very great public importance. If more time happened to be required for that case the court would be glad to give it, and also to make arrangements for having it heard before a full court.

The attorney general said it was the desire of both parties to take the case to the exchequer chamber, but as the lord chief baron has declined to sign a bill of exceptions raising the question involved in it that might not happen.

Lord Chief Justice Erle. We, however, wish it to be understood that we reserve to ourselves the right to make any fresh arrangement.

Their lordships then rose.

[From the Morning Post of November 5, 1863.]

COURT OF EXCHEQUER.—Nov. 4.

Sittings in Banco.—Before Lord Chief Baron Pollock, and Barons Bramwell, Channell, and Pigott.

THE ATTORNEY GENERAL *vs.* SILLIM.—THE CASE OF THE ALEXANDRA.

The attorney general (with whom was the solicitor general and Mr. T. Jones) said he attended their lordships this morning, in consequence of a suggestion thrown out by them yesterday, which had received the careful attention of the

counsel for the crown. They found that it was in their lordships' power, if they thought fit to exercise it, by an act to be done this day, to so apply the common law procedure act as to give an appeal in a case of this description on the revenue side of the court. The 26th section of the Queen's remembrancer, act 22 and 23 Vic., said it should be lawful for the lord chief baron and two or more barons of the exchequer, from time to time, to make rules and orders as to process, practice, and pleading on the revenue side of the court, as might seem to them necessary, and also by such rules and orders to adopt any of the provisions of the common law procedure act, and any rules of pleading and practice on the plea side to the revenue side of the court, as might seem to them expedient for making the process, &c., on both sides, as nearly as might be, uniform. The learned counsel said he thought that their lordships could under that section make an order which would meet the present case.

The lord chief baron. Why cannot your motion be made to-morrow, or, indeed, at any time?

The attorney general said it occurred to him that it might possibly be too late to-morrow.

The lord chief baron. I am inclined to think that under that section the court could make such an order, as you suggest, at any time.

Mr. Baron Bramwell said the revenue rules made under the section in question were originally proposed in the Queen's remembrancer's office, and he had himself a good deal to do with them. The omission of the right of appeal in revenue cases was intentional on the part of those who prepared the rules, who thought it was not expedient to give such power. He was, however, not aware of the omission at the time, as his attention was not called to it, but he now thought that what was a good rule in an ordinary civil case must also be a good rule in cases on the revenue side of the court. If, however, they thought such a rule should be inserted, they should not adopt it without consideration and on the spur of the moment, lest in doing so they might reverse something which had been previously done by the court.

The attorney general said it had, of course, been his duty to consider whether any public inconvenience would arise in other cases by making such a rule, and his strong impression was that there was not, and that the rule was very desirable.

The lord chief baron. I quite agree with you, and on the present occasion I should be disposed to concur in any mode, short of a violation of principle, which would give effect to your desire for an appeal. I own, after the experience I have had in this court, that I see no reason why there should not be an appeal in a revenue case, as in other cases. At all events, there ought to be power in the court to grant an appeal if applied for, and they thought fit it should be given.

Mr. Baron Pigott entirely concurred in the view taken by his lordship, which he thought consonant with the spirit of modern legislation, which gave the petition of right and costs against the crown.

The lord chief baron said, as the court entirely concurred in the view of the learned counsel, he thought the better course would be for the court to adjourn earlier than usual, for the purpose of seeing whether the rule should be made. As his learned brother said, the matter ought not to be decided in a hurry; and if the learned counsel attended to-morrow morning, they would tell him whether the alteration in the rules would be made. He presumed that if they granted the application, the attorney general would simply move for a new trial on all the grounds which might occur to him.

The attorney general. If your lordships make the rule proposed, no doubt I shall do so.

The lord chief baron. I think that would be the better course to adopt, because it will enable you to make every objection which can reasonably be urged to what passed at the trial, and to whatever it may be thought had misled the jury.

The attorney general. I am much obliged to your lordship.

The lord chief baron. Unfortunately I was in communication with the late attorney general alone on this subject, and with no other law officer of the crown; and if he had not resigned, I had some intention of suggesting to him the propriety of abandoning the bill of exceptions, and moving on any point which he thought presented a fair ground for a motion. Now that the impediment is likely to be removed, and a revenue case placed on the same footing as any other proceeding, undoubtedly a motion for a new trial would be far better than a bill of exceptions which covers various old technicalities, which under a better and more enlightened system may be got rid of.

The court then deferred their decision until to-morrow morning, when, if they made the alteration proposed, it was understood the attorney general would make a motion for a new trial raising all the points in the case.

IN RE ALFRED LEIGH, AN ATTORNEY.

When this case was called on—

Mr. J. A. Russel said he appeared on the part of the person who had obtained the rule, and he understood that no cause would be shown on the other side. He then asked the court to make the rule absolute, calling upon the attorney to answer the matters in the affidavit, and in default to issue an attachment, and to strike him off the rolls.

Rule absolute accordingly.

THE ALEXANDRA.

The learned barons retired from the court shortly before 3 o'clock, and after being absent a short time, again took their seats on the bench, when Mr. Walton, the senior master of the court and the Queen's remembrancer, read, by the direction of the chief baron, a new rule which they had framed under the 22d and 23d Vict., c. 21, sec. 26, extending the provisions of the common law procedure act to the revenue side of the court, so as to give an appeal in revenue cases. This will meet the case of the *Alexandra*, and enable the crown to obtain the appeal which the attorney general has sought.

[From the *Morning Post* of November 6, 1863.]

COURT OF EXCHEQUER.—Nov. 5.

Sittings in Banco.—Before Lord Chief Baron Pollock and Barons Bramwell, Channell, and Pigott.

THE ATTORNEY GENERAL *vs.* SILLIM AND OTHERS.—THE SEIZURE OF THE ALEXANDRA.

At the sitting of the court this morning there was an unusually large attendance of the bar and of the public.

The attorney general said that in the case of the *Alexandra*, which was an information arising out of the seizure of the ship *Alexandra* on the 5th of April last, by the crown, for the violation of the foreign enlistment act, he had humbly to move their lordships for a rule to show cause why there should not be a new trial on the ground of misdirection by the learned judge, and also on the ground that the verdict was against the evidence.

Mr. Baron Bramwell. In order that there may be no mistake, let it be clearly understood that you move on the ground of the verdict being against the evidence and misdirection, and that the bill of exceptions is abandoned.

The attorney general. Yes.

Mr. Baron Bramwell. Let it be further understood that we must take my lord's report of his direction to the jury.

The attorney general. I understand that, my lord.

Mr. Baron Bramwell. And further, supposing that for any reason we, in our discretion, grant or refuse a rule, let it be understood that no appeal will lie from us under the rule we pronounced yesterday.

The attorney general. Unless your lordships think fit to grant one.

Mr. Baron Bramwell. Nay, there will be no appeal, except on a matter of law. If we should be of opinion that there was no misdirection, but, nevertheless, that the jury acted upon some wrong opinion, and we grant a new trial on that ground, it would not be competent for the defendants to appeal. On the other hand, if we should be of a different opinion and refuse a rule, and you desire to take the opinion of the exchequer chamber on the question, it would not be open to you to do so. I wish for my part, and I believe I express the feeling of the rest of the court, that these three matters should be clearly understood, viz: first, that the bill of exceptions was abandoned; secondly, that the court would take his lordship's report of his direction to the jury; and thirdly, that there would be no appeal from their decision by either side, except on a matter of law.

The attorney general said that when he spoke of misdirection he must be understood to include in that the omission to give a proper direction, and also giving a direction which might in one sense be justified, but had a tendency to mislead and might have misled the jury. The learned gentleman then stated that the information was filed by the crown on the 25th of May last, on the seizure of the vessel, which took place in the yard of Messrs. Miller & Son, shipbuilders at Liverpool. There were ninety-eight counts in the information, that number being rendered necessary by the rather complicated structure of the clause of the act of Parliament on which the information was founded. In substance, it charged the persons whom he would mention with various acts against a certain section of the foreign enlistment act. The persons charged in the record were these: the members of the firm of Miller & Sons, the builders of the vessel, and in whose yard she was when she was seized; the firm of Fawcett & Co., manufacturers of machinery at Liverpool, who came forward as the claimants of the vessel; the firm of Frazer, Trenholm & Co., who were proved to be the general agents for the business of the confederate States, at Liverpool; a person named Captain Bullock, the special agent for the business of those States; and a person named Tessier, who was also employed in that business. Those persons, together with others not known, were charged in every count of the information with different acts in violation of the foreign enlistment act. The separate counts were founded on the language of the seventh section, which was directed against the "equipping, furnishing, fitting out, or arming" of a ship or vessel, or attempting to do so, with the intent of employing such ship or vessel in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. The learned counsel then pointed out that the words "equipping," "furnishing," &c., were employed in the disjunctive sense, and observed that the crown did not charge "arming" in the information.

The lord chief baron said his impression was that arming was not charged, but he was not quite certain upon the point.

The attorney general said that "equipping," "furnishing," and "fitting out" were separately charged; and in like manner were separately charged the "attempting" and "endeavoring" to equip, furnish, and fit out, and the "procuring" and "knowingly aiding, assisting, or being concerned in the equipping, furnishing, or fitting out of a vessel," which were all distinct and separate offences under the statute. The learned counsel then said that when their lordships came to hear the summing up, he thought they would be of opinion that the jury had no opportunity whatever of giving a verdict on the effect of the

evidence in reference to the view of the act which was taken by the crown. In fact, the case was left to them so as to preclude their judgment on the true question to be determined. The case divided itself substantially into two points—the equipping, furnishing, and fitting out; and secondly, the attempting to do so with the intent of employing the ship in the manner against which the act was directed; and upon both those points the evidence given on the part of the crown was wholly uncontradicted. The learned judge, in his direction to the jury, seemed to have overlooked the provisions as to attempting and endeavoring, and addressed himself to the complete equipment and fitting out in the sense which his lordship considered those words ought to bear. The seventh clause substantially divided itself into two points—the equipping, furnishing, fitting out or arming, and the attempting and endeavoring with intent, &c.; and upon both these points the material evidence at the trial was uncontradicted. He would first refer to the evidence as to the character and condition of the vessel, and the preparations and equipments on the 5th April, when she was seized. The custom-house officer, Morgan, said she was incomplete, but had three masts up, with lightning conductors, as well as her machinery and other fittings on board. There was also evidence to prove that she was built as and for a gunboat; that she had bulwarks and a rudder adapted to and peculiarly fit for the purposes of war; that she was unfit for any mercantile purpose whatever; and that though she might possibly be used for a yacht, and had no fittings actually placed on board to enable her to receive guns, yet she could with the greatest facility be adapted to receive two or three pivot guns—the proper number—which would sweep over her bulwarks and make her serviceable as a gunboat. So much with respect to the character of the vessel. Then as to the fitting out, equipping, and furnishing, there was further evidence to show that the machinery, engine, and boiler, were either on board or in progress of being put, and that there were preparations for hammock nettings and guns and gun carriages. Barnes, an engine driver in the employment of Messrs. Miller, said he had been concerned in the yard in building three gunboats—the *Oreto*, the *Penguin*, and the *Steady*—which were for the government. He also said he recollected the screw steamer *Alexandra*, and she was like the other gunboats, only smaller. Then there was Mr. Spears, foreman to claimants of the vessel, who received orders to take the machinery to the gunboat. Black, a ship carpenter, and Green, a shipbuilder, gave evidence showing that the bulwarks of the *Alexandra* were not those of a merchant vessel, on account of their extraordinary strength, and that they would be useless except for a ship-of-war. They further stated that she had pitch-pine decks, a wood which was chiefly used for war-vessels. Again, there was Captain Engledue, who said the *Alexandra* had only stowage room sufficient for her crew, supposing it to consist of 32 men; that she was not fit for mercantile purposes, and could be easily adapted to the uses of a war-vessel. That was the evidence as to the construction of the ship, and he would now turn to that part of the case which related to the fitting out, furnishing, and equipping, as distinct from the structure. He submitted that it was utterly unimportant whether those equipments were of a warlike character or not, and that if he proved she was intended for warlike purposes, any equipment whatever for such purposes was sufficient to constitute a violation of the statute. He thought that a great fallacy had run through the arguments, and that any kind or description of fitting out or furnishing was against the statute, provided always the intent and purpose was proved. The learned counsel then read extracts from the evidence of different witnesses, with reference to the equipments, &c., which he contended were essentially of a warlike character, and to the cotemporaneous preparation under the superintendance of Messrs. Fawcett, the claimants of the vessel, of gun-carriages just of the kind which it would be natural and safe to place on board the ship. He next passed to the evidence as to the intent and purpose, and argued that the clause clearly and distinctly laid

down that any species whatsoever of furnishing, fitting out, or equipping was against the act if it was with intent or in order that the ship should be employed in the belligerent service of a foreign people or state against persons with whom her Majesty was not at war. He then said it had been proved in a manner beyond the possibility of a doubt, and was wholly uncontradicted, that these things were done under the superintendence and with the interference of persons who were proved to have been the agents of the Confederate States for the purposes of their war service. There was Captain Bullock, who was specially sent to this country to organize the means of carrying on the war on the seas as servant and officer of the Confederate States; there was Mr. Hamilton, another servant and officer of those States, who was obviously employed for a like purpose; and there was the firm of Frazer, Trenholm & Co., who were named in the information as interfering with the construction of the ship by their agent, and at whose office was the seat of the agency of the Confederate States who conducted their pecuniary business, and through whom they ordered their paymaster to pay the persons who were employed on board the Alabama and the other war-ships which they had constructed in this country. Then there was the active superintendence of Captain Tessier over the work-people in both Miller's yard and Fawcett's works; and in addition, the direct admission of Miller, the builder, that the vessel was being built for the Confederate States, under contract entered into with Frazer, Trenholm & Co., and was to be employed in the service of those States. The learned counsel then referred to the evidence of Clarence Randolph Young, acting assistant paymaster of the Confederate States navy, who deposed that he made payments in Liverpool to persons in the service of those States; that he derived his authority from Captain Bullock, commander of the Confederate States navy; that he made requisitions to Captain Bullock for the amounts of money he required, and that the captain gave him orders upon Messrs. Frazer, Trenholm & Co., from whom he received checks. This witness was severely cross-examined, and it appeared that his morality was not quite unimpeachable, but his evidence was confirmed by documentary and other evidence, which could not be gainsaid. It seemed that while at Liverpool he formed a connexion with and married a black woman, and afterwards deserted her under circumstances which could not be justified. This woman had a black boy, and the man Young, who said he was "raised" in Georgia, suggested that a little money might be made by selling the black boy, and that he might be sold. It was very far from his intention, as had been alleged by the lord chief baron of the late attorney general, to attempt to whitewash Clarence Randolph Young, but he spoke of his evidence as it bore upon the *res gestæ* of the case, and as it was corroborated by the *litera scripta* and the documentary evidence, to which no objection at the time was made. In England we were accustomed to liberty, and did not sell either white or black men, but the witness Young came from a country where that was common, and a man bred in an atmosphere of slavery, and engaged in the service of burning and destroying merchant vessels on the wide ocean, was not likely to feel as we did, or to be a man of very tender feelings. In the Confederate States this man would have been a perfectly good witness notwithstanding his black boy, for in that country they did not allow either a black boy or a black man or woman to enter the witness-box, whatever might be the extent of the evil complained of. All the remarks made about him were mere clap-trap, and had no bearing on the question as to the agency of Bullock, which he was called solely to prove. The eloquent vituperation of Sir H. Cairns was, therefore, perfectly irrelevant and beside the mark, and did not tend to discredit the testimony of Young. The learned counsel next examined the evidence of Chapman, who went to the office of Frazer, Trenholm and Co. under false colors, pretending to have southern sympathies, whereas he was in favor of the northern States—a course which he did not for a moment justify; but this witness, he said, proved certain transactions with Bullock and others which had

not been disputed, and which proved that they were agents for the belligerent service of the Confederate States. After referring to other witnesses he contended, that upon this uncontradicted state of things, unless explained by their having been improperly directed, the jury could not but find a verdict for the crown. When, however, he came to read the summing up, the matter was made perfectly plain, because the jury had no option but to find as they did, whereas the evidence clearly entitled the crown to a verdict. The learned counsel then dwelt upon the object and provisions of the foreign enlistment act and its application to the present case.

The lord chief baron said one of the objects of the act was to prevent any hostile vessel being fitted out so as to make a port of this country the point of discharge.

The attorney general did not think that was the view of the lord chief baron, as shown by the short-hand writer's notes. His lordship seemed to imply that a vessel might be constructed in one yard for the federals, and another in a different yard for the confederates, and that as soon as they got out they might come in collision and endanger the public peace.

The lord chief baron. That might be one of the mischiefs which would arise.

The attorney general thought that such a thing never entered the mind of any human being.

The lord chief baron. It is not only not impossible, but it is a fact—it is true.

Mr. Baron Pigott. Did not this happen at Southampton, where a federal and confederate vessel met, and where one was detained by us for several hours to prevent it overtaking the other?

The attorney general said that occurrence had nothing to do with the foreign enlistment act. The statute aimed at prevention; its object was to stop these things in limine, and not to punish them when done; and therefore the act said that any attempt to do any of these things was a violation of its provisions. Unless their lordships sat there to make laws, they must say that any ships fitting out for warlike purposes, the intent being proved, came within the act. This was a case which the 7th section directly touched, and if it were ruled otherwise they might as well at once strike the act out of the statute-book.

At this stage of the proceedings their lordships adjourned; and upon their return,

The lord chief baron said the court had availed themselves of the adjournment to consider the matters which the attorney general had brought before them, and without in the least saying what the opinion of any member of the court was as to the ultimate fate of the rule; they all thought that what he had stated was unquestionably matter fit to be discussed. If the learned gentlemen were content, therefore, to take a rule to show cause why the verdict should not be set aside as contrary to evidence, or as not being warranted by the evidence, and on the ground of misdirection by the judge at the trial, or on the ground that though there might be no positive misdirection, there was a want of information furnished to the jury to enable them to discharge their duty fairly—if he were content to take a rule on those two grounds, dividing the second ground into positive misdirection or imperfect misdirection, he might take a rule to show cause at once.

The attorney general. I thank your lordship. That is what I have been asking your lordship for, and I have no more to say.

The lord chief baron. I may state that I took pains to lay down the law as I understood it to have been laid down by the highest possible authority in another place.

The attorney general. Any such authority is incapable of vindicating himself here.

The lord chief baron. I thought I was remarkably safe in taking that course, but I may have been mistaken.

Rule nisi granted.

[From the *Globe and Traveller* (London) of November 4, 1863.]

Whatever may be the upshot of the questions arising under the foreign enlistment act, there is one thing that all must desire. We mean a full and solemn interpretation by the highest judicial authorities of the real intent and effective operation of the statute. Is it or is it not a dead letter? Can any one, either for the sake of profit, or for the gratification of personal sympathies, or with a view of bringing about a state of ill-feeling, if not war, between this country and another, drive a coach and six through this unlucky act of Parliament every month in the year, and every day in the week? For many years it has been supposed that there was a statute in existence which would enable the government to prevent private persons from thwarting state policy. It now appears that great doubts are entertained on this head. Attempts, some of them successful, have been made to evade the act. Doubts are thrown on the powers of the government, and while no one alleges any moral doubt respecting the actual evasion of the statute, many set up legal doubts. Under these circumstances it is of the highest moment that the questions raised and the full scope of the act should be determined by the highest available judicial tribunal. As the matters in dispute are pending, we wish to express no opinion whatever on the merits of the particular questions at issue in a particular case. But we do feel that, for the sake of the national welfare, no mere technical obstacles of any sort should be allowed to obstruct a final and complete examination of the whole law. We ought to know how far the law officers of the crown can rely on the means placed by the legislature at their disposal to give effect to the intention with which those means were sanctioned—namely, the preservation in the hands of the government of the direction of the national policy.

As regards the point raised yesterday before the court of exchequer, we, in common with everybody else, did understand that the lord chief baron had set forth in his charge to the jury that arming, equipping, furnishing, fitting out, were the mere verbiage of an act of Parliament, and that, in his opinion, these terms did all mean the same thing, namely, arming. The counsel for the crown so understood him. It is assumed that the jury so understood him. They and we and all the world, it seems, were in error. He tells us he did not say so, or imply so. We are, as Mr. Justice Bramwell reminds us, bound to take the judge's interpretation of the words in which he directed the jury. We do so; but it is the most remarkable misapprehension on the part of all those who heard and read those words that we remember ever to have met with. And here we must regret that the usual practice of framing and tendering a bill of exceptions before the jury gave their verdict was not followed. At the end of the trial, and before the verdict, the counsel for the crown expressed a wish to offer exceptions to the ruling of the lord chief baron. They were told by him that it was not necessary to stand upon the usual forms, and they did not stand upon them, especially as the lord chief baron said, "I will accept any bill of exceptions you may choose to tender." But when the bill was drawn up, the lord chief baron objected that it did not correctly set forth the nature of his ruling. Now, had exception been taken at the time; had the common opinion respecting the drift and bearing of that ruling been distinctly expounded, the error, into which it seems we all fell—counsel, jury, public—could have been there and then dispelled by a simple restatement by the judge of what he did mean to say and did say. It was even stated yesterday that the version which the then attorney general had given at the time of the lord chief baron's ruling was not contradicted. The answer was—the question is, what course can now be taken consistent with the views of the court. This shows that an error was committed in not fixing at once the impression made by the language of the lord chief baron. But the state of the matter, as disclosed by the proceedings of yesterday, is an

additional reason why some unquestionable decision should be obtained on this momentous point.

For our parts, we do not pretend to lay down the law. Whatever the law is, let us know it; and if it be found incompatible with the object for which it was devised, then we can say whether we will be content with an useless statute, whether we will have any statute at all, or whether we will have an efficient one.

It has been asked why, when guns and ammunition and small arms can be supplied by a neutral to a belligerent, "why object to ships?" It may be difficult to set forth convincing reasons why ships should be stopped and arms and shells allowed to go free. But to us there seems to be one plain reason. If you export to the ports of a belligerent any quantity of destructive arms and missiles, no one can furnish proof that they have been used with effect against the other belligerent. But if you export a ship, the doings of that ship can be tracked over the sea by the fires she leaves behind, or by the prizes she brings into port. You cannot charge an Armstrong gun with killing and slaying, and identify the gun with damage and slaughter. You can charge a ship with capturing prizes from a friendly power, and prove the charge. There is an identity about a ship which there is not about a gun. But we may be asked, if a fighting machine, like a ship, may be exported to strike at a friendly power, why not a battalion, or a battery, or a regiment of horse? A ship, even without guns, is equivalent to a trained battalion without arms, or a body of artillerymen without guns, or a trained regiment of horsemen without horses. It is obviously within the power of the crown to say with whom it will and with whom it will not make war; and every act which tends to weaken that power and thwart the intention of the crown is an act which, on the assumption that we are to have a government at all, the crown should have power to prevent. We believe the sensible men of all parties take this view, and will not sanction any proceedings which restrict the power of the crown in so important a matter of state policy, or which tend to injure the maritime power of England.

Mr. Seward to Mr. Adams.

No. 756.]

DEPARTMENT OF STATE,
Washington, November 9, 1863.

SIR: The illness of a member of my family, at Auburn, withdrew me from this city from the 2d until the 9th of November. The acknowledgements by the out-going mail of communications received during that interval must necessarily be imperfect.

Your despatch of the 23d of October (No. 523) has been received.

I have read the speeches of British statesmen to which you refer, and also some extraordinary speculations in a portion of the British press commonly supposed to be in the confidence of the government. It is perceived that, as the political season in London approaches, the old habit of speculating concerning our affairs, and foreign action upon them, is resumed in political circles. On the other hand, the President, upon the developments of the now closing year, has assumed that her Majesty's government are willing and desirous to remain in relations of amity and friendship with the United States. We shall persevere in the course we have hitherto pursued of cultivating the friendship we so consistently cherish, unless we shall be obliged to change it by one of two events, neither of which we expect to happen; namely, first, that new hostile naval expeditions come out from British ports to make war upon us on the high seas, or in our ports; second, that Great Britain shall cease to recognize the sovereignty of the United States as it is now recognized. If neither of

these events shall happen, we shall not only be content to leave to such British statesmen as choose to exercise it the indulgence of hostile declamation against our country, but we shall try, as we are now doing, to counteract here the resulting effects of such illiberal demonstrations. It would be a common misfortune, however, of the two countries, if this policy should be misunderstood in England, so as to induce a belief that the United States are disposed now to submit to what they have heretofore declared would be intolerable injuries on the part of any foreign power.

The progress of military operations in the several departments is, on the whole, not unsatisfactory. The elections for the year have closed with manifestations of confidence in the government, contrasting strongly with the despondency and distraction which attended the last meeting of Congress. Only one question seemingly agitated the public mind; namely, the principles in regard to slavery on which the federal authority shall be restored in the insurgent region. I have already told you that, in the President's opinion, this question is as yet premature, because, as yet, neither of the insurgent States is actually asking restoration. I have now to add, that, according to present indications, the question, when it shall arise, is likely to be attended with much less difficulty than is now generally apprehended. It is, perhaps, the most gratifying result of the war for the Union that, wherever its flag advances, convictions of the importance of emancipation meet it. No desire for the restoration or the preservation of slavery is manifested by the citizens who adhere or re-accede to the Union. On the other hand, the friends of the Union in the insurrectionary States manifest an unequivocal determination, even before reorganizing the State governments, to suppress slavery as an institution now proven to be economically useless and politically dangerous and revolutionary. We are, therefore, likely to find no slavery to contend with, when the war for the Union has come to an end. On the whole, we can now contrast our prospects with those of Europe without dissatisfaction.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr Adams to Mr Seward.

[Extracts.]

No. 533.]

LEGATION OF THE UNITED STATES,
London, November 12, 1863.

SIR: I have to acknowledge the reception of despatches numbered from 738 to 746 inclusive, and of two notes of the 26th of October, one marked private, and the other confidential.

Some of these treat of subjects the condition of which has been essentially modified by events which have happened on this side since the date of your writing. I refer more particularly to Nos. 739, 740 and 743. The note of Lord Russell to me of the 29th ultimo, transmitted with my despatch No. 530, of last week, implies an intention to make explanations through Lord Lyons in regard to the transactions at Cape Town, which must have the effect of retaining the discussion of them altogether in your own hands. I shall so regard the matter until further advice. I propose, however, to send to him a copy of the journal of the officer of the Alabama, which I have caused to be reprinted from the *South African Advertiser and Mail* of Cape Town, in a form for circulation among leading persons here. A number of these will be transmitted to you in the bag that carries this despatch.

* * * * *

On the whole my impression is that matters just now stand pretty well here. A report of a speech of Mr. Villiers will be sent to you by the present steamer. He is the brother of Lord Clarendon, and one of the liberal members of the cabinet. His disposition has always been understood to be friendly.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

[*From the Daily News (London) of November 10, 1863.*]

Lord Palmerston, who on rising was received with loud and protracted cheering, said: My lord mayor, ladies and gentlemen, for myself and my colleagues I beg to return most sincere thanks to you—my lord mayor, for the manuer in which you have been kind enough to propose, and to you, ladies and gentlemen, for the manner in which you have been good enough to receive the toast. Those who are charged with the conduct of the affairs of this country must always feel the highest gratification in being permitted to be present at the splendid hospitalities of this great city of London. (Cheers.) And not only do we receive personal gratification, but we feel that on these occasions, what takes place cements that union between the different classes of the community which is so important to the interest of the whole. It is well that those who are engaged in carrying on those commercial transactions on which the wealth, the strength, and the happiness of this great country depend, should mix from time to time with those who, as responsible advisers of the crown, are engaged in conducting the political affairs of the country. I do not mean to say that on these occasions, when we meet at the festive board, matters of importance are discussed, for we are too much occupied in enjoying the festivity and hospitality which surround us for that; but acquaintances are formed on those occasions which ripen afterwards into friendships. It is well known that the transactions of business are made much easier when those who meet to carry them on know and like each other; and therefore I say that these meetings are of great political importance in bringing together those who are connected with the commerce of the country and those who are responsible for its political government. (Hear, hear.) There have been occasions when it has been the lot of those who have had to explain the state of political affairs to congratulate you upon the tranquil state of the civilized world. I am afraid I cannot do that on the present occasion; for although I trust that there is nothing in the horizon which can grow into a cloud of war, yet we see on all sides—in the far west and in the distant east—struggles going on of the most lamentable character, and scenes enacted which make us shudder for humanity and feel deep compassion for the countries in which those events are taking place. (Hear, hear.) In the far west we see a nation of the same race and the same language, and the same religion and the same manners, and the same literature as ourselves, split into two, slaughtering each other by hundreds of thousands, and carrying on a contest the result of which it is impossible to foresee, and the end of which now, after more than two years' duration, he would be a bold man indeed who said he could predict. (Hear, hear.) Lamenting that state of things, the government of this country have felt it their duty not to yield either to the entreaties or the objurgations of one party or the other. (Cheers.) Blandishments on the one side, and threats on the other, have been equally fruitless to direct our course. (Cheers.) We have felt it our duty to abstain from taking any part in that lamentable contest. If, indeed, we had thought it was in our power to put an end to it by friendly intervention, no

efforts would have been wanting to accomplish so holy an end—(hear, hear)—but we felt that interference would be vain, and we deemed it our duty—and in that respect I am sure we followed the wishes of the country—to maintain a strict and impartial neutrality. (Loud cheers.) In the distant east, events which are also of a lamentable character are taking place. We there see on the one side a barbarous system of deliberate extermination carried on, and on the other side revenge venting itself in murder and assassination. We endeavored to enlist the opinions and the feelings of civilized Europe in joint remonstrances, and so far we succeeded; but those remonstrances have failed. We have done our duty, and we can only hope that those who have the conduct of affairs in the Russian empire may, at length, cease to pursue that course which has thrown upon them the condemnation of Europe, and that peace may be restored upon terms of equity and justice to an unfortunate country. (Cheers.) Well, my lord, although abroad things look ill, and much misery and calamity are sustained, yet, as you have just observed, this country forms a happy exception to that which seems to be the prevailing condition of nations. (Hear, hear.) We have been blessed by Providence with an abundant harvest; we have been preserved by the government and the good sense of the country from the calamities of war; our population are contented and loyal, feeling that for a long course of years the legislature of the country has been occupied in remedying grievances, in removing defects in our laws, and in casting away those obstructions which the less enlightened policy of former times had thrown in the way of the productive industry of the country; and I am happy to say that I believe the commercial and material prosperity of the country is brighter now than it has been at any former period. Those who know the course of the commerce of the world will tell you that year by year this great city of London is growing more and more the centre of the commercial transactions of other States; that bills are drawn upon London to pay debts all over the world, and that commodities destined for other countries are sent here for deposit—a tribute paid by the people of other nations to the industry, the good management, the integrity, and the high honor of the commercial community of this land. My lord, I congratulate you on this happy state of things, and I trust that the people of England will feel that they are greatly indebted for it to the reign of that beneficent sovereign under whose mild and enlightened rule they have the happiness and good fortune to live. My lord, I beg again, on behalf of my colleagues and myself, to return you our most sincere thanks, and to assure you that we derive high gratification from being allowed to be present at your festive board on this occasion. (Loud cheers.)

[From the *Daily News* (London) of November 11, 1863]

THE RIGHT HON. C. P. VILLIERS, M. P., ON THE POLICY OF THE GOVERNMENT.

On Monday night Mr. Villiers and Mr. Weguelin addressed their constituents at a dinner given at Wolverhampton to the retiring mayor, Mr. H. H. Fowler.

Mr. Villiers, in responding to the toast of her Majesty's ministers, said it was not for a cabinet minister to be less sensible of the good opinion of his fellow-men than any one else should be. On the contrary, there was great reason why he should be more so; for if he had to state the result of his own experience in that position, it would be that, looking at the trouble it entailed and the responsibility which it involved, no reward would be sufficient compensation but that which resulted from hoping that he had deserved and would receive the gratitude and good opinion of the country. (Hear, hear.) Every man in this coun-

try had not only the power but also the inclination to form and to express his opinion of public matters; but it was very difficult to obtain a general agreement upon politics, and still more difficult to secure a union of opinion with respect to any particular government. And when the merits of the ministry could be alluded to and received so favorably in a promiscuous assembly, like the one he was then addressing, it was highly satisfactory to the members of that ministry, and he could not but say that it was peculiarly gratifying to himself. He was told that all politics were abjured from such assemblies as the one in which he was then taking part, and he should, therefore, not think of adverting to any topic that would provoke question or dissent. But he hoped he might express his satisfaction at the friendly tone in which he had observed persons deservedly held in estimation in the country, but of opposite politics to the government, refer on frequent occasions to the present administration. (Hear, hear.) At meetings composed of persons of an entirely opposite party to the ministers there had been marked manifestation of feeling against doing anything to displace the present government, or rather men of such large experience in public affairs as were Lord Palmerston and Lord Russell—(cheers)—or men of the very great talent of Mr. Gladstone. (Loud cheers.) When such testimony in favor of a government, was borne by persons who did not agree with the politics of the government, he hoped that he might infer that there was something in the policy of the present administration which was not distasteful to the country, but that it had been with something like public spirit that they had discharged the duties of their office. (Hear, hear.) Great events of national importance had transpired during the last four years, and the government had been required to decide upon them with promptitude. It was possible to refer to some consequences following the acts of the present administration that might account for the state of public opinion in regard to that administration. Peace had been maintained when the honor of the British flag had been brought in question and our great maritime rights had been disputed by the Americans; but these the ministry had vindicated with spirit and success. (Cheers.) There had been the most strict observance of the pledge of neutrality. (Hear, hear.) Duties counted by millions of pounds sterling, and restrictive of trade, had been removed and the revenue unimpaired at a time when the country had been suffering from the shock to trade which immediately followed upon the breaking out of the painful conflict which still raged on the continent of America. These facts might account, not for political contentment, but for the political calm which prevailed throughout the country; and this state of things might account for the opinion of many, that now would not be the happiest moment to disturb the peaceful pursuits of men by exciting the feelings which an angry political contention was sure to provoke. (Hear, hear.) Other circumstances there might be which would tend to account for the prevailing wide contentment, and chief among them was the recent bountiful harvest—the most bountiful that the oldest person living could recollect. Cheap and abundant food had been the result of that harvest. (Hear, hear.) Now, supposing that the crisis in the cotton trade had occurred at a time when the people were dependent for their supply of food, as they were for their supply of cotton, upon one source—supposing that such a restrictive policy as once prevailed relative to the supply of food had been in operation at the close of the three very bad harvests by which the last very bountiful one was preceded, and that at such a time the calamity of a cotton dearth had befallen the country, any man might easily conclude what, in such a state of things, would have been the condition of Great Britain. (Hear, hear.) It was fortunate that a timely wisdom induced Parliament to rely on the resources of the whole world before the period came when, but for that wisdom, a double misfortune would have befallen the nation. (Cheers.) The present state of this country was a fair subject of gratulation, not only on account of the great prosperity which the people now enjoyed, but also on account of the

general soundness of their opinions and sentiments. (Hear, hear.) He believed that there had been no time in the history of the United Kingdom when the opinion of the people was sounder than it was at the present period. There never was a time when Englishmen were more sensitive of the honor of the country or more ready to defend its honor, or at which they clung more tenaciously to the institutions of the country. (Cheers.) There never was a time when there was a more evident desire for the moral elevation of the humbler classes—(hear, hear)—and he would say that although they were living in times when they more than ever deprecated the calamity of war, and were more than ever in love with peace, there never was a time, should any sad exigency require it, when the country was better prepared to defend its shores and to resist its enemies in any part of the world. (Loud cheers.) And he would say, further, that there never was at any time more satisfaction than at present with the constitution, never more satisfaction with a liberal constitution and government, which those who enjoyed it conceived to be suitable to most civilized nations, and especially to those of Europe; and never were the people of this country more sympathetic with the nations who were struggling to follow our example. (Cheers.) But never was the conviction more profound in the minds of the people, that it was not in the province of this country to interfere in such struggles. (Hear, hear.) The principle of non-intervention was a principle which had sunk deeply into the minds of Englishmen. All history and all recent experience showed them that interference in the internal affairs of other countries was provocative of more disappointment and more disapprobation than any other course of procedure. (Cheers.) Whenever the time arrived for such a sketch to be written of the conduct of the present government as they sometimes saw in print the morning after the decease of distinguished persons who had occupied public positions, nothing would be remarked upon with more satisfaction than the circumstance that the government had offered continued resistance to the carrying into effect of an opposite principle to that of non-intervention—had, in fact, resolutely maintained the observance of that principle. (Cheers.) Non-intervention was nothing but the practical observance of the sound views which all sensible people entertained in private life, namely, that one neighbor should not meddle in the affairs of another. (Hear, hear.) He only wished that this forbearance could be fully carried through, and that they could be very careful of their criticism—(hear, hear)—that nations would be more careful of saying respecting one another anything which would be likely to provoke hostile feelings. Severe measure had been meted out to the Americans in their misfortunes. He had heard the bitterest remarks made against the President of the Union for endeavoring to maintain the Union, and also against the southern States for their attempting to retain possession of their “property.” During the first ten years that he was in Parliament a question was being discussed which excited great interest. That question was the repeal of the Union. Those persons who advocated it stood in the same relation to this country as the southerners now stood to the north. He never saw one English member who was not ready to oppose it, and who was not prepared to admit that he should be guilty of treason if he voted for it. (Cheers.) So (continued Mr. Villiers,) in the ten years before I entered Parliament, I heard language with respect to Lord Brougham and other philanthropic advocates of negro emancipation, as violent and as reproachful as, for the same reason, the confederates now address to the federals. We should have been indignant had any foreign country interfered with us upon either of these occasions, or if they had addressed to us the language that is used towards the Americans at the present day. We were allowed to settle those matters as we thought best, and we have been satisfied with the mode in which they were settled. (Hear.) I think the Americans ought to be allowed to settle their own affairs without more interference, and we must trust to their speedily coming to a conclusion that will be just. (Cheers.)

Mr. Weguelin said it had been a common complaint that the discussions of the House of Commons had been fruitless of results—that politics had become languid and the members flaccid—(a laugh)—that, content with the leadership of one great man, they had shunted their responsibility, and were content to look on from a siding at the express train of affairs which ran by them. (Laughter.) But though there had been an absence of party spirit, that state of things was to be attributed to other causes. General questions had of late years been settled by the triumph of those principles which had established civil and religious liberty, had extended self-government, and placed it on a wider basis, and had regulated trade, currency, and finance. (Hear, hear.) But if party spirit had been dead in late years, they should all rejoice that the spirit of trade was reviving. (Hear, hear.) He believed that the prevailing prosperity was sound, but they would let him, as an old merchant, address to them a few words of warning, because there were a few indications that the prosperity in which they were rejoicing might be based on even much sounder foundations than that upon which it now rested. He referred to the sudden drain of bullion, and the consequent rise in the rate of interest. He thought it was not wise to neglect these indications. It might be that, after a time, owing to the measures taken by the Bank of England, the drain of bullion would cease, and the coin which had been issued for the internal wants of the country return; but as far as his experience went, a drain of bullion and a rise in the rate of interest were indicative of something unsound in the state of trade or credit. It was therefore desirable that not only individuals, but especially banking corporations, should take the earliest possible opportunity of checking any undue extension of credit. (Hear.) When they considered that the Bank of England reserve, which now amounted to not more than six or seven millions, was practically the only unemployed capital of the country, and that it was the only source by which a balance of trade could be secured, they would see that there was good reason why they should be careful not to give stimulus to other than necessary transactions. He made these observations, not because he thought that a monetary crisis was at hand, but because they might tend to those healthy restrictions which, if generally observed, would go far to ward off misfortunes of a serious nature, and place trade on a wholesome and permanent footing. He concluded by acknowledging the toast of the members of the borough.

Mr. Adams to Mr. Seward.

No. 534.]

LEGATION OF THE UNITED STATES,

London, November 13, 1863.

SIR: In regard to the subject referred to in your several despatches received this week, numbers 741, 742, I have nothing further to report, excepting the reception of a note from Lord Russell, of the 10th instant, in acknowledgment of mine of the 31st ultimo, a copy of which accompanied my No. 530, sent to you last week. A copy of his reply is herewith transmitted.

My attention had been already called to the existence of the joint application of the British and French authorities to the United States, alluded to in the copy of your despatch to Mr. Dayton, which accompanied your No. 741, and to the possibility of making use of it in the present emergency. The difficulty is, that the answer is too obvious. The request was to refuse to receive privateers. The two governments affect to consider the vessels now complained of as war ships, commissioned by a belligerent power. Not to receive them would involve the necessity of refusing to receive those of the United States, or else of appearing to depart from the declared neutrality.

The original error committed in a hasty and unqualified recognition of the rebels as a belligerent, is what vitiates all the later policy of both these powers, and entangles Great Britain more especially in the difficulties growing out of the necessity to recognize these vessels, equipped and manned in her own ports, in defiance of her own laws, as the navy of a foreign power.

There has been little done in the *Alexandra* case this week beyond the assignment of Tuesday next, in the court of exchequer, as the time to hear the law officers of the crown on the motion for a new trial.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

FOREIGN OFFICE,

November 10, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 31st. ultimo, enclosing further papers respecting the proceedings of the *Alabama* and the *Florida*.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 535.]

LEGATION OF THE UNITED STATES,

London, November 13, 1863.

SIR: Under the directions contained in your despatch No. 704, of the 9th of September last, I addressed a note to Lord Russell on the 30th of that month. His reply, dated the 10th instant, has been received this week. Copies of both papers are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, September 30, 1863.

MY LORD: I am directed by my government to submit to your consideration the copy of an extract of a despatch addressed to the Secretary of State by the minister resident of the United States at Japan. Should it be deemed expedient by her Majesty's government to have recourse to any of the measures suggested in it, I am instructed to say that the United States would cheerfully direct Mr. Pruyn to labor on their part for their adoption in the interest of all the Western Powers.

I pray your lordship to accept, &c., &c.

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c.

[Extract from Mr. Pruyn's No. 45, to Mr. Seward.]

Earl Russell to Mr. Adams.

FOREIGN OFFICE,
November 10, 1863.

SIR: Her Majesty's government have attentively considered the matter referred to in your letter of the 30th of September, and they request that you will have the goodness to express to the government of the United States their acknowledgment for the friendly offer conveyed in your letter to instruct the United States minister in Japan to co-operate with the representatives of other powers, with a view of making such a communication to the government of Japan as was indicated in the letters addressed by Mr. Seward to Lord Lyons, on the 14th and 20th of May, 1861, and also of carrying out the other measures which Mr. Prayn, in his letter of the 27th of June last, appears to consider essential for the improvement of the position of foreigners in Japan.

Her Majesty's government, however, looking to the uncertain state in which matters at present appear to be in Japan, think it better to wait till the further progress of events shall show more clearly the line of policy which will be most conducive to the relations of peace and the development of commerce with Japan.

It would appear from the correspondence of the minister of the Prince of Satsuma with Colonel Neale, recently published in the London Gazette, that the power and right of making treaties is acknowledged by that powerful daimio to reside in the Tycoon.

But I need scarcely assure you that her Majesty's government set great value on the co-operation of the United States minister in Japan with the representatives of her Majesty and of other European powers, in their endeavors to place affairs in that country on a footing generally advantageous to all foreign nations having intercourse with us.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extracts.]

No. 536.]

LEGATION OF THE UNITED STATES,
London, November 13, 1863.

SIR: The effect of the late speech of the French Emperor to the French chambers, and with the letters with which he has followed it up, addressed to the different powers of Europe, has been to concentrate the attention of the various countries upon the project of a convention, which he proposes should be held at Paris. Opinions of the effect of this movement widely vary. Whilst in some quarters it is construed as likely to terminate in a war, in others it is hailed as a symptom of coming tranquillity. In London the proposal was received at first with marked disapprobation. A cabinet meeting was called to consider it on Tuesday, and it continued in session until Wednesday. It is understood that the reply agreed upon does not absolutely decline to take a part, but it proposes preliminary inquiries as to the object and extent of the subjects to be considered before positively consenting.

* * * * *

In the meanwhile the effect of this movement has been greatly to concentrate the attention of all nations on this side of the ocean upon the difficulties

existing in Europe, and to a corresponding degree to divert it from affairs in the United States. The Emperor's notice of these is brief and purely formal. In England the determination to keep entirely aloof gains ground daily. Whatever sympathy there may have been heretofore for the rebels as the weaker party is diminishing under the effects of their own late proceedings. Any further military successes on our part would turn the scale decidedly, and leave them to their fate, without a sigh of regret. The only mode now resorted to in counteraction of this tendency is the exposition of our own shortcomings. The most serious shock to confidence in our military operations is given in the frequency of the change in the great commands, indicating a serious deficiency in the capacity of our officers to conduct a war on the present scale. Much use is made of this argument at the present time.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Seward to Mr. Adams.

No. 759.]

DEPARTMENT OF STATE,

Washington, November 14, 1863.

SIR: The French government has for some time past expressed a desire for the exportation of the tobacco belonging to it in this country, the most, if not the whole, of which is understood to be at Richmond. Before the request could be granted, it was deemed advisable to ascertain whether the British government would object to the proceeding. That government having signified its assent thereto, the executive order, a copy of which is enclosed, has been issued. You will notice that the order has been so formed as to extend to tobacco belonging to any foreign government which may have been bought and paid for prior to the 4th of March, 1861. Besides France, it is supposed that Austria, and perhaps other German states, may have tobacco at Richmond, which the order may release. It is proper that the British government should be apprised of the proceeding in such way as you may deem advisable.

I am, &c., &c.,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 760.]

DEPARTMENT OF STATE,

Washington, November 14, 1863.

SIR: The European mails have not arrived, and they are not expected to arrive before the closing of my despatches for the next steamer.

No striking incident has occurred to change the military situation. Judging upon what is officially received, as well as the public information, the armies of the government are holding their advanced positions firmly, and they are beginning to be felt severely by the insurgents.

On the 11th instant Lord Lyons communicated to me information he had just received from his excellency the governor general of Canada, to the effect that there was reason to believe in the existence of a plot, gotten up in that province by emigrant insurgents from the United States, to invade the northern frontier; set at liberty the insurgent prisoners now in confinement at Johnson's island,

on Lake Erie, near Sandusky; burn Buffalo and other cities on the shores of the lakes. It was supposed that these crimes were to be effected by means of the purchase and arming of steamers in the Canadian ports. This information, which was very gratefully acknowledged, borrows a show of authenticity from revealings which have occasionally reached this government. The proper departments promptly adopted measures which it is believed are sufficient to defeat the criminal enterprise. After making due explanations to Lord Lyons, I have, by the President's direction, requested Preston King, esq., of Ogdensburg, on the shore of Lake Erie, to proceed at once to Quebec, to inform the governor general of the preparations which have been made by this government, and to confer freely with him upon the subject, with a view to conform all our proceedings to the treaty regulations existing between the two countries, and to the comity which is due to Great Britain. It seems proper that you should make these proceedings known to Earl Russell, with expressions of the satisfaction with which the President regards what has been so promptly and liberally done by the governor general of Canada and by Lord Lyons.

It is thought here that the occasion is a fitting one for asking Earl Russell to consider the incidents I have related, in connexion with the occurrences which have taken place within the proper British realm, threatening invasion or aggression directly from the ports of Liverpool and Glasgow. Do not these incidents show the expediency, not to say the necessity, for some amendments of the laws of the two nations, so as to secure the practice of neutrality in the spirit of comity and friendship? Have we adequate security that hostile expeditions will not yet issue from British ports? If such expeditions should come from domestic British ports, the same condition of national relations will certainly encourage the fitting out of such expeditions in British colonial ports on our frontier, and elsewhere. Could we possibly avoid conflicts between the two countries, if British shores or provinces should, through any misunderstanding, be suffered to become bases for naval and military operations against the United States?

Moreover, the principles which shall regulate the maritime conduct of neutral states hereafter are quite likely to be settled by the precedents which arise during our present civil war. Great Britain, as we think, must ultimately be as deeply concerned as we are in preserving in the greatest vigor the cordial principle of non-intervention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 761.]

DEPARTMENT OF STATE,

Washington, November 16, 1863.

SIR: I enclose a copy of executive document No. 103, 1st session 33d Congress, which contains the correspondence between Mr. Marcy and the ministers of Great Britain and France here, at the opening of the Crimean war. Your attention is particularly invited to that part of the correspondence which relates to the expectations of those governments in regard to the equipment of privateers in this country.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 762.]

DEPARTMENT OF STATE,

Washington, November 17, 1863.

SIR: Your despatch of October 29 (No. 526) has been received. I thank you for the newspaper debates which you have furnished me on the subject of the armed naval expeditions prepared in British ports.

I think you have rightly derived the existing embarrassments of the British government in regard to our affairs from the one cause—the error of investing the insurgents with a belligerent character.

The latest incidents disclose that the insurgents, so long tolerated and practically cherished within the realm, have at last, by natural consequence, had the hardihood to organize in the British provinces, adjacent to our ports, with design for a border campaign. It seems surprising that they have not earlier made this attempt. The Canadian authorities, desirous of peace and beneficial commerce with us, have not been slow to discover the duties devolved upon them by comity and international law, and they have acted promptly and effectively in fulfilling those obligations. Her Majesty's government cannot fail, I think, to approve of this course, because it is conservative of their trans-Atlantic empire. It seems to me, also, that they cannot easily undervalue the good faith and candor of this government in its proceedings in regard to this new class of embarrassments. It is certain that in such attempts as the insurgents are so audaciously making in Canada, we might look for occasions of offence, if we were disposed to be aggressive or unfriendly to Great Britain. We shall probably pass through the present difficulties easily, but other plots will follow. Certainly the insurgents are inventive, bold, and enterprising. Their schemes are suggestive. They have failed because of deficiency of material power and moral strength in the insurrection itself. They are disturbers of the peace at home, and nothing more here. They are disturbers of the peace of Europe, and can be nothing more there. Slaveholders, seeking to subvert justice and establish slavery, they have not even strength enough to destroy the Union. How idle are all the European policies which assume that such architects can build and maintain states! When shall we see the governments of Great Britain and France apprehending this truth? What new and unnecessary complications are we to go through before they discover and act upon it?

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 537.]

LEGATION OF THE UNITED STATES,

London, November 19, 1863.

SIR: Despatches from the department, numbered from 747 to 752, inclusive, have been received at this legation.

The events of the week have been of more than usual interest. The rather sudden demise of the King of Denmark has added one more to the already grave complications of European politics, as a question of disputed succession comes in to aggravate the old differences between Germany and Denmark, respecting the relation of Schleswig and Holstein. In the mean time the responses to the invitation of the Emperor of France come in slowly, and with hesitation about conditions not altogether welcome. The uneasiness as to the future has increased, until, in some of the great commercial points on the continent, it has reached a state of panic. Most of the trading houses are busy in contracting

their operations in anticipation of a rupture in the spring. The drain of the precious metals eastward has now continued so long as to call for a rapid advance of the rate of interest in all the markets of Europe, without, as yet, producing a sensible check. The evidences of restlessness, and of the sense of insecurity, multiply. The conviction is strong that things will not remain much longer as they are now, though no one pretends to foresee the precise form of trouble that may ensue. Even the proposed Congress, should it finally be assembled, is viewed as far more likely to terminate in a rupture than in a pacification and general disarmament.

In the same degree that the public mind of Europe becomes absorbed in these domestic speculations, will the struggle in the United States decline in interest. The cotton question has been so far disposed of as to render the possibility of the reopening of the American supply a matter of quite as much danger to existing interests as of possible benefit. I think I perceive a gradual, but steady, relaxation of the policy of settled hostility to the United States, which was adopted here soon after the commencement of the war. I am growing very hopeful that the way is opening to the maintenance of peace between the two countries throughout the period of our great trials: indeed, with any average amount of further success in the field, I should venture to say it was tolerably secure.

I shall make the pending proceedings in the Court of Exchequer, on the motion for a new trial in the case of the *Alexandra*, the subject of a separate despatch at the latest moment before the closing of the bag. Meanwhile I beg to call your attention to a very fair pamphlet on the Enlistment Act, by Mr. F. W. Gibbs, just published, a copy of which I transmit herewith.

I have the honor to be, sir, your most obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

No. 539.]

LEGATION OF THE UNITED STATES,

London, November 19, 1863.

SIR: Having received copies of some depositions Mr. Underwood, the consul at Glasgow, had caused to be prepared and sent in to the collector of this port, touching the construction and outfit of the steamer *Canton*, *alias* the *Pampero*, I concluded to transmit them to Lord Russell, together with a note. Copies of this note, of the other papers, and of his lordship's acknowledgment, are herewith transmitted. There is increasing difficulty in obtaining evidence of intent since the animus of the government has become the source of greater apprehension.

I have the honor to be your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,

London, November 14, 1863.

MY LORD: I have the honor to submit to your consideration copies of a number of additional depositions taken before the collector at Glasgow, all going

to corroborate the evidence already presented, touching the outfit and preparation of the steamer *Canton*, *alias* *Pampero*, for objects similar to those now prosecuted by the *Japan*, *alias* the *Georgia*, issued from the same port.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your most obedient servant,

CHARLES FRANCIS ADAMS.

Right Hon. EARL RUSSELL, &c., &c., &c.

Deposition of W. L. Underwood.

I, Warner Lewis Underwood, of No. 5 Newton Terrace, Sanchiehall street, in the city of Glasgow, in the county of Lanark, make oath and say, that I am consul of the United States of America for the port of Glasgow and its dependencies; that I have now resided in Glasgow in discharge of the duties of the said consulate for upwards of one year; that shortly after my arrival here, my attention was called to the fact that there was being built in the ship-yard of Messrs. James and George Thompson, of Glasgow, a vessel-of-war, for the use of the so-called Confederate States, then in rebellion against the United States of America, known as the *Ram*, and now in process of construction and unlaunched in the yard of the said James and George Thompson, being a formidable iron-clad vessel-of-war; that some months ago I learned that a further vessel was in course of construction by the said James and George Thompson, and the said last-mentioned vessel has been recently launched from the ship-yard of the said James and George Thompson, and is now lying in the river Clyde, at or near to the foot of Finnestin street, Broomidan; that my attention was further directed to the construction of such vessels-of-war, and to the object of their construction, by a perusal of the intercepted correspondence between the agents of the confederates in America and those in Europe, which is more particularly referred to in the accompanying affidavit of Mr. Thomas Haines Dudley, to which reference is here made, and which is adopted and made part of this affidavit, a copy of said correspondence having been sent to me by the United States Secretary of State; that before being launched, the said last mentioned vessel had gilded on her stern the words "Canton, London;" that on the day she was launched the word "Canton" had disappeared, and the word "Pampero" was gilded where it had been, and also was seen on a flag which floated from one of her masts; that I was present on the immediate opposite side of the Clyde at the time of the launch, the river being there, in my judgment and opinion, about two hundred yards wide; that I was in full view of the ship, and, besides, had a strong glass with which to aid my vision; that there were not a great many persons present, but I had pointed out to me, by a gentleman who knew them, Messrs. James Galbraith and Robert Henderson, known members of the firm of Patrick Henderson & Co., and recognized agents in Glasgow of W. S. Linsay & Co., of London; that these two gentlemen, in company with one or two others whom I did not know, immediately prior to the launch of said ship, took an active and conspicuous part in looking after the preparations of the launch, giving, apparently, directions concerning it: that on the day after the launch, the following notice of it was published in the same words in the *Journal, Mail*, and *Herald*, newspapers published in Glasgow:

"Messrs. James and George Thompson launched, yesterday, from their building yard at Goran, a screw steamer of about 1,000 tons register. This vessel has been constructed for London owners, and as she took the water, was named the 'Pampero,' by Mrs. Galbraith. After the launch, the friends of the

owners and builders present adjourned to the model room, when the usual good wishes, on such occasions, were expressed and responded to."

That prior to the launch of said ship, I had frequently seen her, and I state that she was at first constructed with eight port-holes, plainly to be seen; that a short time, say a week or ten days, before she was launched, those port-holes were carefully closed, and effaced by putty and paint, or other material, so that no trace could be seen of them, except that the hinges of their doors were visible; that I have the following distinct items of information touching said vessel, which I fully and sincerely believe to be true, most of which can be verified and established by an inspection of the vessel, to wit:

1. That in addition to the port-holes above spoken of and referred to, she was at first constructed with eye or ring bolts, corresponding with said port-holes, suited for and intended to handle guns; that these eye-bolts, with one or two exceptions, have been removed, and the places where they were have been disguised by facings on the bulwarks, and the eye-bolts stowed away to be inserted hereafter.

2. That she had magazines constructed; these have been attempted to be concealed and disguised under the appearance of water-tanks.

3. That she has one hundred and fifty lockers, and sixteen mess-racks, or more, for eight men each.

4. That she has about fifteen holes or apertures in the bottom, duly secured by valves and stop-cocks, for the rapid introduction of water into her hold, with an appropriate number of pumps to pump it out again as required.

5. That her machinery and boilers are those of a war vessel, all under the water-line, and thus out of reach of an enemy's shot, whilst at the same time they occupy much of the space appropriated to cargo in a merchant vessel.

6. That the form, material, and arrangements of her propeller indicate that she is a vessel-of-war.

7. That her bulwarks are about seven feet high, so as to conceal her crew from the sight of an opposing vessel, and to afford them protection.

8. That on her cut-water or bow, immediately under the bowsprit, is painted or gilded a miniature figure, about a foot high, of the goddess of liberty, with a staff in her hand, on which is surmounted a liberty cap, and what is intended, I believe, the palmetto plant, is springing up around her feet. I further state that I have been informed, and verily believe, that the contract with the Messrs. Thompson for the building of said ship Pampero was and is entered into with a certain party acting as the agents of the so-called Confederate States of America; that Captain Sinclair, mentioned in the exhibit (D) to Mr. Dudley's affidavit, together with Messrs. Tennent and North, officers of the confederate navy, have been spending most of this year, and perhaps a part of last, in Glasgow and its vicinity, and, according to my information and belief, giving necessary oversight and attention to the construction of said vessel and the ram first mentioned; that from the foregoing facts, and the affidavits of Thomas Haines Dudley, John Latham, Archibald McClellan, and William Dryer, and facts which have come to my knowledge in a confidential manner, and which I am not now at liberty to use, I am satisfied, and fully believe, said vessel Pampero is a war vessel, built and intended for the so-called Confederate States in America, to commit acts of hostility and make war upon the government and people of the United States.

W. L. UNDERWOOD.

Sworn before me at the custom-house in Glasgow, on the 18th day of November, 1863.

FRED. W. TREVOR, *Collector.*

Deposition of Thomas H. Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of an oath is contrary to my conscientious scruples, and I do also solemnly, sincerely, and truly affirm and declare as follows: That I am the consul of the United States of America for the port of Liverpool and its dependencies; that soon after the publication hereinafter referred to I received information from the government of the United States that certain correspondence between the government of the so-called Confederate States of America and their agents to their representatives and agents in Europe had been intercepted, and that the same was then in the hands of the government of the United States of America; that soon after I had received the above information I received from the State Department of the United States a copy of the Daily National Intelligencer, published at Washington, on Saturday, the 17th day of January, 1863, containing the publication of said intercepted correspondence; that I now refer to the said copy of the said newspaper, which is annexed and signed by me as relative hereto, and particularly to certain portions of said correspondence and memorandum therein published, consisting: 1. Of duplicate letter from Mr. Mallory to Mr. Mason, dated October 26, 1862. 2. Letter from George N. Sanders to Reed Sanders, dated August 5, 1862. 3. Unsigned letter or memorandum, (without date,) addressed to the Hon. S. R. Mallory, secretary of the navy. 4. Memorandum following the last mentioned unsigned letter or memorandum, without date or address. 5. Letter from Mr. S. R. Mallory, secretary of the navy, to the Hon. C. G. Memminger, secretary of the treasury, dated October 27, 1862. 6. Letter from Mr. Memminger to Mr. Mallory, dated October 30, 1862. 7. Letter from Mr. Mallory to Mr. Mason, dated October 30, 1862; which said letters and memoranda are marked A, B, C, D, E, F, and G, respectively, on said copy of newspaper, and initialled by me as relative thereto; that since the publication in the newspaper above mentioned of the said intercepted correspondence, I have received from the State Department the original manuscripts from which the aforesaid publication was made, and I have the said original manuscripts in my possession at Liverpool, and am prepared to produce them when required by the proper authorities; that I understand and believe the house of Galbraith & Co., referred to in memorandum D, before mentioned, is the same house as Messrs. Patrick Henderson & Company, of Glasgow, of which firm Mr. James Galbraith is, I believe, one of the partners.

THOMAS H. DUDLEY.

Affirmed at the custom-house, Glasgow, the 10th day of November, 1863.

FRED'K W. TREVOR, *Collector.*

Deposition of John Latham.

I, John Latham, of No. 8 Douglas street, in the city of Glasgow, and county of Lanark, make oath and say: That I am an engineer, and have served as engineer of steamers for the last eight years; that I have served on board of war-ships for five years, and for about five months I served as fireman on board of the Alabama; that I have also served in the merchant service for about four years; that I have seen the vessel called the Pampero, which has been recently launched from the ship-building yard of Messrs. James and George Thompson, of Glasgow; that I was on board of her before she was launched; that nine port-holes were pierced on each side of said ship, and one of these port-holes on

each side appeared to be intended as a gangway; that before said ship was launched the said port-holes, with the exception of one on each side, were closed with movable shutters, and these movable shutters were secured by rivets on the inside, and I saw the joints or seams where the shutters met filled up with red lead putty and painted over, and nothing is now visible of the aforesaid port-holes but the hinges of the said movable shutters; that I observed rings or eye-bolts on the side of the said ship on each side of each of the said port-holes; that I afterwards saw some of these rings or eye-bolts removed, and the sides of the ship are now cased over, and the places intended for fastening on these rings or eye-bolts are not now visible; that I have always seen similar rings or eye-bolts in the men-of-war in which I have served, and they are used for the purpose of securing the guns and of moving them backwards and forwards; that in the merchant vessels in which I have sailed, I never saw such rings or eye-bolts as I have described, and there is no use for them in merchant vessels; that the name Canton, London, was at first gilded upon the stern of the said ship, but that before the said ship was launched that name was changed to Pampero; that I believe the said ship was known and designated in the yard of Messrs. James and George Thompson as the frigate, and on one occasion when I was in the yard, I asked for one Charles Gibson, who had been in the employment of Messrs. Thompson, and I was informed by one of the engineers working in the yard that he did not know the man, but that if I went over to the frigate (pointing to the said vessel now called the Pampero) I would likely find him there; that the bulwarks of said ship are between seven and eight feet in height; that I have seen the boilers and engines of said vessel; that the boilers are four in number, and are flat in construction; that the engines are horizontal, and the whole, both boilers and engines, are under the water-line; that the construction of the boilers is such as to take up a deal of carrying space, which would not suit a merchant vessel; that in order to save space, a merchant ship would likely have two boilers in place of four, and such boilers could be made of the same extent of the Pampero, by being constructed, as is usual in merchant ships, above the water-line; that the said ship appears to be about two hundred and fifty feet in length, and between forty and fifty in beam; that from the whole construction and build of the said ship, I consider and declare that the said ship is intended and adapted for warlike purposes, and not for mercantile service.

JOHN LATHAM.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, *Collector.*

Deposition of William Dayer.

I, William Dayer, ship-joiner, of No. 29 Salisbury street, in the city of Glasgow, and county of Lanark, make oath and say: That I am presently in the employment of Messrs. James and George Thompson, ship-builders in Glasgow, and have been in their employment for the last three weeks; that a vessel has been recently launched from the ship-building yard of Messrs. James and George Thompson called the Pampero; that previous to being launched the name Canton, London, was gilded on said ship's stern, and the day before the said ship was launched her name was changed to Pampero; that I have been many times on board of said vessel, while in course of construction; that the said vessel has eight port-holes, besides one large one on each side; that the large one might serve as a gangway; that these port-holes were seen open by me, but

that they were afterwards closed, and still remain closed; that the port-holes have been closed up by the movable shutters being secured on the inside by bolts, and the joints or seams closed up, and nothing is now visible of the port-holes save the hinges; that rings or eye-bolts were fitted on the deck of said ship on each side of each of the port-holes; that the object of these rings or eye-bolts appeared to be to fasten guns, and serve as a means of moving them backwards and forwards; that seven of these rings or eye-bolts on each side were removed before the launch, and the places where they were filled up have been lined up; that the ring or eye-bolts opposite one port-hole on each side of the vessel of the bows still remain; that the bulwarks of said vessel are about seven feet in length; that there are about fifteen stop-cocks and valves on the bottom of the said ship, with grating on the outside; that some of these are very close to one another; that the number of the stop-cocks and valves is more than are required for the purposes of the engines, and for ordinary ship purposes, and I believe that the extra number have been fitted with a view to adapt the said ship to warlike purposes, and among others to drown the magazine in case of need; that a magazine was fitted in the after part of the said ship, and consisted of four compartments, with a hole on the top of each large enough to admit a man, and there is a hatch on each hole; that I was informed by a carpenter who was working on board of the said ship, and about the said compartments, that these compartments formed the magazine, and I believe that they were adapted for that purpose; that there were about one hundred and fifty lockers fitted up in said ship along the side in the fore-castle between decks; that these were all taken down, marked and numbered, and packed away before the said vessel was launched; that sixteen mess-racks have been made for the use of said vessel, and more are to be made, and that each of said mess-racks contains places for dishes for eight men; that from the number of lockers and mess-racks thus constructed for said ship, taken in connexion with other circumstances, I am of the opinion, and believe, that the said ship is not intended or built for mercantile service; that I cannot state with accuracy the measurements of said vessel, but I think her length is about two hundred feet, or upwards, and her water-mark about fifteen feet at the bow, and sixteen feet at the stern; that I cannot state the breadth of her beam, but she is of very fine proportions, and I believe her tonnage to be about one thousand tons, builder's measurement; that the general belief among the workmen in the yard is that the said vessel is built as a vessel-of-war for the Confederate States of America, and since I have commenced to work in the yard of the said James and George Thompson, such has been the universal reputation as to said ship among my fellow-workmen; that among us she generally went by the name of "another Alabama," "another 290," and such like names.

WILLIAM DAYER.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, *Collector*.

Deposition of William Cook.

I, William Cook, of No. 1 Clermont street, in the city of Glasgow, and county of Lanark, make oath and say: That I am a ship broker and commission merchant in Glasgow; that I was present at the launch of the ship called the Pampero, on the 29th of October, 1863, from the ship-yard of Messrs. James and George Thompson, ship builders, Glasgow; that I am acquainted with Messrs. Robert Henderson and James Galbraith, ship brokers in Glasgow, and partners

of the firm of Patrick Henderson & Co., merchants in Glasgow; that the said firm of Patrick Henderson & Co. are reputed to act as agents in Glasgow of the firm of W. S. Lindsay & Co., of London; that on the aforesaid occasion of the launch of the said ship Pampero, I saw the said Robert Henderson and a person believed by me to be James Galbraith present, and apparently acting as if interested therein; that I afterwards noticed in the reports which appeared in the Glasgow newspapers of the following day, that the said ship Pampero had been christened by Mrs. Gilbraith; that I particularly observed the said ship when being launched, and having been for many years a master in the merchant service, I am able to judge of the appearance and build of said ship; that from the general appearance and build of said ship, as so seen and observed by me, I declare that she appeared to me to be a vessel intended for war, and not for mercantile service; that her appearance impressed me with the belief that she was adapted for war purposes, and not for mercantile service.

WILLIAM COOK.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, *Collector*.

Deposition of Archibald McLellan.

I, Archibald McClellan, joiner, of No. 45 Eglinton street, in the city of Glasgow and county of Lanark, make oath and say:

That I have been employed in ship-building yards as a joiner for the last nine years; that I was informed about five months ago, by James Henning, joiner, in the employment of Messrs. James and George Thompson, that they were building a ram and a privateer in the yard of Messrs. James and George Thompson, for the Confederate States of America; that we had been conversing about the screw steamer Georgia, which had about that time sailed from the Clyde, as a privateer, and in the course of our conversation the said James Henning volunteered the above information regarding the ram and the privateer; that about three weeks ago I casually met one Kinlock, a carpenter, in the employment of the said James and George Thompson, and in the course of conversation he stated that he was engaged fitting up magazines on board of the new vessel built by the said James and George Thompson called the Pampero, and he said he was fitting them up as water tanks; that the said Kinlock further stated that the vessel had been fitted up with messrooms for a large crew, and that these had been taken down and marked, with a view to be put up again; that I have frequently seen the said ship Pampero while in the course of construction, and about seven weeks ago I saw her lying in the yard of the said James and George Thompson, and I observed that there were eight port-holes pierced in the side of the said ship which was towards me, three of which port-holes were larger than the other five, and might be used as well for gangways as for the sweep of pivot-guns; that the said port-holes were then open; that since the said ship was launched, I have seen her on frequent occasions, and I then observed that the port-holes above mentioned, with one or two exceptions, have been closed up, and nothing is visible of these port-holes but the hinges; that on one occasion, in the course of last week, I was on board of said ship, as she lay in the river Clyde, and I observed four eye-bolts opposite certain of the port holes, which I saw were intended for securing guns; that on frequent occasions, besides those above referred to, I have heard from various persons in the employment of the said James and George Thompson that the said ship Pampero was being built for the Confederate States of America, and the said ship had the universal reputation among these persons of being a vessel-of-war or privateer for the Con-

federate States; that the construction of said ship is, in my opinion, in accordance with that reputation, and in the course of my experience I have not seen a vessel built for the merchant service, of similar construction as the said ship Pampero, and I believe that the said ship Pampero is built for warlike purposes, and not for the merchant service.

ARCHIBALD McLELLAN.

Sworn before me at the custom-house in Glasgow, this 10th day of November, 1863.

FREDERICK W. TREVOR, *Collector*.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November 16, 1863.*

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, enclosing further papers respecting the Canton, and I have to state to you that I have lost no time in forwarding copies of the same to the proper department of her Majesty's government.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 540.]

LEGATION OF THE UNITED STATES,
London, November 19, 1863.

SIR: I transmitted a copy of the pamphlet mentioned in my despatch of last week, No. 533, of 12th November, to Lord Russell, with a note, calling his attention to the fact that the author is a British subject, who was enlisted in England in an unlawful enterprise. His lordship has acknowledged the receipt of both. Copies of the notes are herewith transmitted.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863.

MY LORD: I have the honor to transmit a printed copy of the private journal of an officer of the steamer Alabama, which seems to have been furnished by the author for publication in the *South African Advertiser and Mail*, at Cape Town, in which newspaper it first appeared on the 19th of September last. The author appears to be Mr. G. T. Fullam, a British subject, belonging to Hull. I beg permission to call your lordship's attention to the remarkable manner in which the narrative corroborates the essential portions of the deposition of C. R. Yonge, heretofore submitted to your consideration, some attempts to invalidate which were made in the course of the trial of the *Alexandra*. It likewise confirms, in almost every particular, the correctness of the representations which I had the honor to furnish from the consul of the United States at Liverpool, of the mode in which the gunboat "290" was originally equipped, fitted out and armed from that port.

I likewise pray your lordship's attention to the abuse shown to be continually made of the national character of this vessel, in the fraudulent assumption of the flag or of the name of any other nation, at pleasure, whilst on the high seas. I need scarcely say, that such a license to cover piratical depredations has only been obtained for her by the recognition given to the parties in America, authorizing it, as a belligerent, abiding by the established rules of legitimate warfare.

I pray your lordship to accept the assurances of the highest consideration with which I have the honor to be, my lord, your obedient servant,

CHARLES FRANCIS ADAMS.

Right Honorable EARL RUSSELL, &c., &c., &c.

FOREIGN OFFICE, November 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, and its enclosure, respecting the proceedings of the "Alabama."

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

RUSSELL.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Adams to Mr. Seward.

No. 542.]

LEGATION OF THE UNITED STATES,
London, November 20, 1863.

SIR: Thus far the progress made in the case of the *Alexandra* has been slow. The lawyers engaged in the defence have consumed all the time down to a late hour yesterday, when the attorney general commenced an argument in favor of his motion. I transmit herewith copies of the *London Times*, containing a report of the trial so far as it has gone. It is evidently much abbreviated, but it will suffice to give you an idea of the character of the proceedings.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

[Enclosed.]

The *Times* of the 18th, 19th, and 20th November, 1863.

THE ALEXANDRA CASE.

Court of Exchequer, November 17.

Sittings in Banco, at Westminster. Before the Lord Chief Baron, Mr. Baron Bramwell, Mr. Baron Channell, and Mr. Baron Pigott.

THE ATTORNEY GENERAL *vs.* SILLEM AND OTHERS, CLAIMING THE ALEXANDRA.

Before going into the arguments of to-day, it will be necessary, perhaps, to call to the recollection of our readers the facts of this case, as well as the nature of the proceedings instituted by the crown against the defendants. In the year 1819 an act, familiarly known as the Foreign Enlistment

act, was passed, and the present, we believe, is the first case which has been brought to trial in a court at Westminster Hall under it, although similar proceedings have been commenced from time to time, but never brought to an issue. The act is to prevent the enlistment or engagement of his Majesty's subjects to serve in foreign service, and the fitting out or equipping in his Majesty's dominions vessels for warlike purposes without his Majesty's license. The seventh section of the foreign enlistment act, 59 George III, cap. 69, enacts that if any person within any part of the United Kingdom, or in any part of his Majesty's dominions beyond the seas, shall, without the leave and license of his Majesty for that purpose first had and obtained, equip, furnish, fit out, or arm, or attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, state, or potentate, or of any foreign colony, province, or part of any province or people, or any person or persons exercising, or assuming to exercise, any power of government in or over any foreign state, colony, province, or part of any province or people, as a transport or storeship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country, with whom his Majesty shall not then be at war, or shall within the United Kingdom, or any of his Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to his Majesty, issue or deliver any commission for any ship or vessel to the intent that such ship or vessel shall be employed as aforesaid, every such person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the court in which such offender shall be convicted, and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of any such ship or vessel, shall be forfeited; and it shall be lawful for any officer of his Majesty's customs or excise, or any officer of his Majesty's navy who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade or navigation, to seize such ships and vessels aforesaid, and in such places and in such manner in which the officers of his Majesty's customs or excise and the officers of his Majesty's navy are empowered respectively to make seizures under the laws of customs or excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to or be on board of such ship or vessel, may be prosecuted and condemned in the like manner, and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation.

This section is almost a counterpart of the American enlistment act, passed in Congress in the year 1818, and which was a re-enactment of their act of 1794. Nearly all the expressions employed in the American act, it will be seen, have been pulled bodily into the British act. The screw steamer *Alexandra* was built at Liverpool, by Messrs. Miller & Sons, ship-builders, and after being launched was taken into the Toxteth dock for the purpose of being fitted. She is strongly built of teak wood, her gross tonnage being

about 153 tons by the new mode of admeasurement, and her registered tonnage 83 tons. Her masts were put into her, the rigging commenced, and the boiler as well as her screw on board, when, owing to some information with which the government had been privately furnished from time to time, Mr. Edward Morgan, the surveyor of customs at Liverpool, who had watched the building of the ship from the beginning, seized her on behalf of the crown. The attorney general filed an information claiming the forfeiture of the ship, founded on the above section of the foreign enlistment act, against William Cowley Miller, Thomas Miller, Charles Kuhn Prioleau, James Thomas Welsman, Eugene Tessier, James Bullock, Mathew Butcher, Hermann James Sillem, Henry Berthon Preston, Jacob Willink, and David Wilson Thomas. The information contains ninety-eight counts. The first count charged that the above persons, with others unknown, before the making of the seizure, without any leave or license of her Majesty for that purpose, did equip the ship with intent that such ship should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state with which her Majesty was not then at war, viz, the republic of the United States of America, contrary to the statute, whereby the vessel, together with the tackle, apparel, and furniture, became and was forfeited. The second count charged that the same persons, with others unknown, &c., did equip the vessel with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, with intent to commit hostilities against the citizens of the republic of the United States of America, contrary to the statute, whereby the ship, together with the tackle, apparel, and furniture, became and was forfeited. The third count charged that the same persons, with others unknown, &c., did equip the said ship with intent to cruise and commit hostilities against a state with which her Majesty was not then at war—to wit, the republic of the United States of America—contrary to the statute, whereby the ship, &c., became forfeited. The fourth count charged that the same persons, with others, &c., did equip the ship with intent to cruise and commit hostilities against citizens of the United States of America, with whom and with which respectively her Majesty was not then at war, contrary to the statute, &c. The fifth count charged that the same persons, &c., did equip the ship with intent that the ship should be employed in the service of persons exercising the powers of government in and over certain foreign states styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain foreign state, &c., to wit, the republic of the United States of America, contrary to the statute, whereby, &c. The sixth count charged that the same persons, with others, did equip the ship with intent that she should be employed by the Confederate States of America, with intent to cruise and commit hostilities against citizens of the republic of the United States of America, contrary to the statute, whereby, &c. The seventh count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed by persons exercising the powers of government over certain foreign people—to wit, part of the people of the United States of America, with intent to commit hostilities against, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby, &c. The eighth count charged that the same persons, with others, &c., did equip the ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, with intent to cruise and commit hostilities against citizens of a certain foreign state, &c.—to wit, the citizens of the republic of the United States of America, contrary to the

statute, whereby, &c. The ninth to the sixteenth count is the same as the first, substituting "did furnish" for "did equip." The seventeenth to the twenty fourth, the same as the first count, substituting "did fit out" for "did equip." The twenty-fifth to the thirty-second, the same as the first count, substituting "did attempt and endeavor to equip" for "did equip." The thirty-third to the fortieth, the same as the first count, substituting "did attempt and endeavor to furnish" for "did equip." The forty-first to the forty-eighth, the same as the first count, substituting "did attempt and endeavor to fit out" for "did equip." The forty-ninth to the fifty-sixth, the same as the first count, substituting "did procure to be equipped" for "did equip." The fifty-seventh to the sixty-fourth, the same as the first count, substituting "did procure to be furnished" for "did equip." The sixty-fifth to the seventy-second, the same as the first count, substituting "did procure to be fitted out" for "did equip." The seventy-third to the eightieth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in equipping," for "did equip." The eighty-first to the eighty-eighth, the same as the first count, substituting "did knowingly aid, assist, and be concerned in furnishing," for "did equip." The eighty-ninth to the ninety sixth, the same as the first, substituting "did knowingly aid, assist, and be concerned in fitting out," for "did equip." The ninety-seventh charged that the persons before mentioned, with others, &c., without leave or license, &c., did attempt to fit out the said ship with intent that she should be employed in the service of persons exercising the powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship against a certain foreign state with which her Majesty, &c.—to wit, the republic of the United States of America, contrary to the statute, whereby the ship, together with her tackle, apparel, and furniture, became and was forfeited. The ninety-eighth count charged that the same persons, with others, &c., did equip, furnish, and fit out, and did attempt and endeavor to equip, furnish, and fit out, and did procure to be equipped, furnished, and fitted out, and did knowingly assist and be concerned in the equipping, furnishing, and fitting out of the ship, with intent that she should be employed in the service of certain foreign states styling themselves the Confederate States of America, and in the service of many persons exercising and assuming to exercise the powers of government in and over certain foreign states styling themselves the Confederate States of America, and in the service of many persons exercising and assuming to exercise powers of government over part of a certain foreign people—to wit, part of the people of the United States of America, as a transport or storeship, against and with intent to cruise and commence hostilities against a certain foreign state with which her Majesty was not then at war—to wit, the republic of the United States of America, and against citizens of the republic of the United States of America, contrary to the form of the statute, whereby, &c.; and the attorney general, on behalf of her Majesty, prayed the consideration of the court in the premises that the ship, together with her furniture, tackle, and apparel, might for the respective reasons aforesaid be forfeited.

To this information (which is certainly as long as it could by any possibility have been, to be intelligible) Hermann James Sillem, Henry Berthon Preston, Jacob Willink, David Wilson Thomas, and William Thompson Mann, who claimed the Alexandra, as well as her tackle, &c., by Edward Lee Rowcliffe, their attorney, pleaded that the said ship, furniture, tackle, and apparel did not, nor did any or either of them, or any part thereof, become, nor are nor is the same or any of them, or any part thereof, forfeited for the several supposed causes in the information mentioned, or for any or either of them, in manner and form as by the information was charged. The information, it will be seen, charges that the Alexandra was fitted out or equipped with

intent to be employed to harass and to be hostile to the government and citizens of a state with which the crown was not at war, and that the vessel was intended to be employed in the service of the Confederate or Southern States of America. The persons whose names appear in the plea constitute the well-known firm at Liverpool of Fawcett, Preston & Co., iron founders, by whom it was alleged the *Alexandra* was supplied with engines, guns, and other materials. From the evidence at the trial it appeared that the *Alexandra* was one of three vessels built by Messrs. Miller & Son, two of which (the gunboats *Penguin* and *Steady*) were built for the British government; and the crown sought to establish, by the evidence of many witnesses, that the *Alexandra* was also a gunboat, and had been built for the Confederate States for the purposes alleged above. During the time the *Alexandra* was on the stocks, as well as subsequently to her launch, Captain Bullock and Captain Tessier, both of whom, it was said, were in the naval service of the Confederate States, and acting as their agents at the port of Liverpool, interested themselves very much in the building and fitting out of the ship. Captain Bullock appointed a person named Yonge as paymaster, who swore that it was his duty to make payments to naval officers and others on behalf of the Confederate States, and that he received a regular formal appointment from Captain Bullock as assistant paymaster, and drew upon Messrs. Frazer, Trenholm & Co., who honored his draughts, for the money for the payments he had to make. In order to show the capacity in which Captain Bullock and Captain Tessier had been acting, it was stated that when No. 290, afterwards known as the *Alabama*, left Liverpool, she left without an armament, and that the *Bahama*, under the command of Captain Tessier, with Captain Semmes on board, the world-known commander of the *Alabama*, as well as Captain Bullock, followed her out to sea, and the guns and ammunition on board the *Bahama* were there transferred to the *Alabama*, when Captain Semmes took command of her, hoisted the flag of the Confederate States, and she became from that moment a vessel-of-war, carrying a formidable armament of guns, manufactured by Fawcett, Preston & Co., with the name of the firm branded upon them. The crown attached much importance to the interference and control during the construction of the *Alexandra* by Captain Bullock and Captain Tessier, as well as other persons connected with them, as it tended to show, it was alleged, the connexion between those persons and the confederate government of the southern States. With a view of establishing the character of the build of the *Alexandra*, among other persons, Captain Inglefield, of her Majesty's ship *Majestic*, was called by the crown, and stated that he had examined the *Alexandra* as she lay in the Toxteth dock, and found her to be a strongly-built vessel, mostly constructed of teak wood, fitted for a yacht, certainly not intended for mercantile purposes, but might be used for, and was easily convertible into, a man-of-war: There was stowage room for a crew of thirty-two men and accommodation for officers. She was of sufficient length to receive guns, but had no appurtenances which would indicate that guns were about to be put on board of her. There was an absence of ring-bolts and plates upon which pivot guns would turn, but there would have been no difficulty, in his judgment, in adding the preparations that were necessary. Her bulwarks were not similar to those of gunboats in the British service. It is unnecessary to follow the evidence given by the crown step by step, neither is it important to give any details of the cross-examination of all the witnesses by the counsel for the defendants. The witnesses, who bore the fire of a very sharp attack made by Sir Hugh Cairns and Mr. Karlake, Q. C., were Yonge and Chapman, the former having left. To use a mild term, the confederate service by dropping overboard one night, and the latter, who, under the pretence of being a secessionist, had wormed him-

self into the confidence of many of those against whom the crown were complaining, and then came forward to betray their secrets. For the defendants no witnesses were called, and Sir Hugh Cairns, in a very eloquent and masterly address to the jury, said that it had been admitted that the defendants were the *bona fide* owners of the ship when the seizure was made, and that she was lying at the time in a public dock, without the slightest effort at concealment, and that the crown had been urged on to adopt the proceedings against the defendants by the agents of the United States government at Liverpool, who were always on the alert, and thought they had a right to complain and call upon the crown to put the foreign enlistment act into force. The foreign enlistment act, said Sir Hugh, never was intended to interfere with or to impair *bona fide* commerce in any way. The intention of the act was to prevent warlike expeditions leaving the ports of this country at a time when the country was neuter, in issuing from the ports of the country in a shape and form in which they could do injury to either belligerent, and thereby enable one or other of the belligerents to come to the government of this country and say, "Look at your port of Plymouth; there sailed out of that port on a certain day a ship fully armed, ready to capture any ship she might meet with. Your ports are being used as places of safety and shelter; armed vessels can sail out or transports or storeships can sail out prepared to do all the mischief in war which a transport or storeship or an armed vessel can do." The belligerent government would say, "Observe the consequences: we cannot pursue these vessels into your port; we cannot go into your ports to take out a privateer; and yet you allow a privateer to go armed from your ports at the same time that we cannot enter your ports to destroy that vessel." That was a clear principle, if that were the principle which was proceeded on. The foreign enlistment act, continued Sir Hugh Cairns, is directed against her Majesty's subjects engaging in war on their own account. That was the essence of the offence as described in the preamble of the act. The act of declaring war or peace was with the sovereign of this realm. If the sovereign choose to remain neuter, it was not to be tolerated that some of her subjects should say that they would become belligerents on their own account, have a little expedition, marshal troops, and arm ships, and carry on war on their own accounts. The sovereign was the arbiter of war and peace. The subject had no right to interfere with the exercise of the right of the sovereign, and it would be perfectly idle for the sovereign to say, "I choose to remain at peace," if the subjects were, according to their own will, to be allowed to engage in war and fit out warlike expeditions on their own account. Because, if twenty or one hundred men in Liverpool thought proper to fit out a warlike expedition to attack and injure one belligerent, twenty or one hundred men in London might choose to fit out a warlike expedition to attack and injure the other. The gist of the offence which was spoken of in the seventh section of the foreign enlistment act was, that the offence must be committed within the United Kingdom. If the act be done by the Queen's subject out of the kingdom, it was no offence at all. It was not like every other prohibitory act, because if it prohibits a thing to be done, it prohibits its being done by a subject of her Majesty everywhere. There was not the least prohibition against building a ship; there was not a word said in the section about prohibiting the building of a ship; there was not a word said about selling a ship. Consistently with every word in the section a man might build a ship in any way he thought fit, and with any purpose. There was no suggestion in the section that it was an offence against the act, to be punished by forfeiture or otherwise, to build or construct a ship. The only words used were words which supposed that a ship was to be built, because the words were "equip, fit out, or arm a ship or vessel," and you could not

equip, fit out, or arm a ship until she was built. The section meant that the person who was spoken of, and who was supposed to equip, fit out, or arm a vessel, was the person who had the intent to cruise on his own account and commit hostilities against a foreign nation with that ship. There must be an equipping, furnishing, fitting out, or arming, or an intent to do that with the kingdom, and in such a way that you should cruise and commit hostilities. The word "cruise" was a technical word when applied to vessels of-war, which cruise for the purpose of committing hostilities. The only thing which the section struck at was this—some person who had the contract of a ship, who may use it in any way he thinks proper; and that person was supposed to fit out and arm a vessel, and to do it with the intention of committing hostilities, he being the judge and the arbiter and determiner whether he would or would not cruise and commit hostilities and further, the ship must be armed or equipped, or fitted out in such a way as would make her such a ship at the time she leaves this country, and make her competent and able to cruise and commit hostilities. It was, upon the history of the act of Parliament, entirely open to any person to build a ship in this way, to sell the ship even, and, though she may be competent to be converted into a ship-of-war, to either of the belligerent powers, and the fact that he afterwards knew that she was sold to the belligerent power, and might be used in a particular way, had nothing to do with it. He was not the person who armed and equipped the ship to cruise and commit hostilities unless he had the intention of arming her in such a way as that when she left the port she would be in a state to cruise and commit hostilities. Sir Hugh Cairns went on to say, when the first American enlistment act was passed, that great and illustrious man who then swayed the destinies of America, Washington, was President, and he had ordinances issued to the various ports in America, informing their own officers what things were lawful and what were unlawful in regard to the equipment of vessels, there being at that time a war in which America took no part. He said equipments in the ports of the United States of vessels-of-war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or to war, are deemed lawful. Then, further, he said, equipments in the ports of the United States by any of the parties at war with France of vessels fitted for merchandise and war, whether with or without commissions, which are doubtful in their nature as being applicable either to commerce or war, are deemed lawful; and, in like manner, equipments of any vessels of France in the ports of the United States which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. Therefore we had, in the first year when the American enlistment act passed, this construction put upon it by the greatest man America ever saw—Washington. He had pronounced that which was deemed unlawful, as simply putting on board munitions or arms of war, and anything that might serve the twofold purpose, and which was useful to either purpose, was perfectly harmless. It would be impossible now to give in full, or even in abstract, the speech of Sir Hugh Cairns, occupying as it did nearly two days in its delivery. As we stated before, no evidence was called in support of the defendants' case, and it rested entirely upon the cross-examination of the witnesses for the crown and the speech of Sir Hugh Cairns to the jury. The late attorney general, Sir William Atherton, made a lengthy and very forcible reply on the whole case on the part of the crown. The lord chief baron proceeded to sum up, and is reported to have concluded by saying: "Gentlemen, if you think the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then that is a sufficient matter. But if you think the object really was to build a ship in obedience to an order, and in compliance with a contract,

leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the foreign enlistment act has not been in any degree broken. I leave you to find your verdict, unless you wish me to read the evidence over to you." The jury did not wish to hear the evidence read, and the attorney general said, before the finding of a verdict by the jury, he would tender a bill of exceptions to a portion of the learned judge's ruling. The lord chief baron said that he would accept any bill of exceptions he wished to tender. The attorney general replied that, strictly speaking, it ought to be done before the verdict was given, when Sir Hugh Cairns said that anything in point of form might be dispensed with. The jury having found a verdict for the defendants, the attorney general handed up a note of the exceptions, in order, as he said, that there might be no mistake. Sir Hugh Cairns asked for a copy of it, when the lord chief baron said it need not be done then. He might wish to put it in some other shape. There would be no mistake about it. The attorney general said they were anxious that they should quite understand what his lordship had ruled and laid down to the jury. It was very shortly stated. The lord chief baron replied that he had no doubt there was a very good note taken of what had been said. "You," addressing the attorney general, and looking at the paper, "have got here that the vessel was not intended to be fitted." It should be that the vessel was in the course of building for the purpose of performing the contract, and that there was no intention that she should be equipped, or furnished, or armed, or fitted out at Liverpool. The solicitor general said that was not what had fallen from his lordship. The lord chief baron stated that it certainly was. The attorney general said that he had understood his lordship to say that "if the building was in fulfilment of a contract." The lord chief baron went on: "And it was not intended that she should be equipped, fitted out, and furnished, and so on, at Liverpool." The attorney general said there were other points. The chief baron stated: "Every question I put to the jury I put in the language of the act of Parliament, that if it was not intended that she should be equipped, furnished, fitted out, or armed at Liverpool. I took special care of that." The Attorney General.—I think that is the point. The Lord Chief Baron.—No, you have got here that "if the vessel was not intended to be furnished." The Attorney General.—No, my lord, it is "furnished or fitted out." The Solicitor General.—Your lordship said the words were the same; that every one of the words required a warlike armament at Liverpool. That is the point. The Lord Chief Baron.—I will not bind you to what passes at the present occasion. I cannot alter the thing. I have no doubt that you have a very accurate note of what I have said. The Attorney General.—I only wish that we should have your lordship's concurrence now, while the matter is fresh in your lordship's recollection. The Lord Chief Baron.—It cannot be a question of recollection. Depend upon it, there is an accurate note taken of what I have said. The Attorney General.—Will your lordship allow me to send in a full note from the best materials we can get? The Lord Chief Baron.—Certainly. With this the Alexandra trial ended. The bill of exceptions was prepared, and the lord chief baron refused to sign it upon the ground, as he stated in the court to the present attorney general, Sir Roundel Palmer, that by the bill of exceptions he (the lord chief baron) purported to tell the jury that the Alexandra must have been armed, and if not armed there was no offence. His lordship objected to sign the exceptions, stating that from the very first moment he had raised the same objection to them, and ultimately, after a very long discussion, it was agreed that the bill of exceptions should be abandoned, and on the 5th instant the attorney general (with whom were the solicitor general and Mr Thomas Jones) moved for a rule to show cause why there should not be a new trial on the ground of misdirec-

tion of the learned judge, and also on the ground that the verdict was against evidence. The attorney general was proceeding with a very concise and powerful argument when the court adjourned for a short time. Upon the return of their lordships into court, the lord chief baron said, that during the interval the judges had talked the matter over, and thought that what had been stated by the learned attorney general was unquestionably matter fit to be discussed; therefore, if he were content to take a rule to show cause why the verdict should not be set aside as being contrary to the evidence, or as not being warranted by the evidence, being contrary to the weight of it, and on the ground of misdirection on the part of the judge at the trial, or on the ground that, although there might have been no positive misdirection, there might have been such a want of information furnished to the jury as not to enable them fairly to discharge their duty—if the attorney general would be content to take a rule on these grounds, dividing the second into either positive misdirection or imperfect direction, he might take a rule. The attorney general said that was all he had been asking for, and a discussion then ensued as to the precise manner in which the rule ought to be drawn up. Eventually the rule stood thus: "1. That the verdict was against the evidence. 2. That the verdict was against the weight of evidence. 3. That the lord chief baron did not sufficiently explain to the jury the construction and effect of the foreign enlistment act. 4. That the learned judge did not leave to the jury the question whether the ship *Alexandra* was or was not intended to be employed in the service of the Confederate States, to cruise or to commit hostilities against the United States. 5. That the lord chief baron did not leave to the jury the question whether there was any attempt or endeavor to equip. 6. That the lord chief baron did not leave to the jury the question whether there was knowingly any aiding, assisting, and being concerned in the equipping. 7. That the learned judge misdirected the jury as to the construction and effect of the seventh section of the foreign enlistment act." The solicitor general made an application to the court to have a day appointed for the hearing of the arguments on the rule, and this day was appointed.

The attorney general, the solicitor general, the Queen's advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, now appeared to support the rule; and Sir Hugh Cairns, Q. C., Mr. Karlake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay showed cause against it.

It having been agreed that the notes of the trial should not be read, as the learned attorney general on his motion for the rule had gone so fully into the evidence and made all their lordships well acquainted with the nature of it, Sir Hugh Cairns commenced to show cause against the rule at once. Sir Hugh began by going through the various grounds upon which the rule had been granted, and said that, so far as most of them were concerned, they were definite enough; but as to Nos. 3 and 7, he would say at the outset that, as he found those grounds in the rule, he was bound to believe that they were in accordance with the practice of the court; but they at the same time exposed those who, like himself, had cast upon them the duty of showing cause against the rule—a task it was very difficult to discharge, because they informed them that after they had been heard, an argument was to be addressed to the court by the other side, of the grounds and of the nature of which the defendants' counsel had not in any way been forewarned. They were told that their lordships were asked to conclude that the learned lord chief baron in some way which was not specified misdirected the jury, or did not direct the jury, but the grounds upon which that was to be contended for they were not told, and therefore could not meet them. He did not desire to overstate the matter at all. He admitted they had had some kind of intimation by a few sentences which had fallen from the at-

torney general in moving for the rule, but beyond those they had no definite statement as to what the argument for the crown was to be. The court would probably remember that the *Alexandra* was seized on the 5th of April this year in the Toxteth dock, at Liverpool. (A printed book of the short-hand notes of the trial, which contained an appendix in which may be found the information, the plea, the British foreign enlistment act, the American foreign enlistment act, and other matter, was handed up to the bench.) Sir Hugh Cairns continued: he would call attention to the first count in the information as stated in the appendix of the book referred to. Having read the first count, as well as the plea, both of which appear above, Sir Hugh said the issue raised was, therefore, whether the ship *Alexandra* was, under the act of Parliament, forfeited for all or for any of the causes which were mentioned on the information. He would first ask the attention of the court, apart from the evidence in the cause or from the charge of the judge, to what, he submitted, was the proper construction of the statute; then to solicit from the court an attention to the evidence which had been given in the case for the purpose of dealing with the rule as far as it states that the verdict was against evidence; and then, in the third place, to submit the view which he took of the charge of the lord chief baron and the objections which were made against the charge. He would call attention to the seventh section of the foreign enlistment act, which contained very many words, and he was afraid it must be said of them that they had contributed, from their number, rather to darken than elucidate the meaning, and he feared he must read the section, at all events a part of it, for the purpose of making an observation upon it. Having read the whole section, Sir Hugh said that he must observe that there were upon the face of the section traces of very great want of accuracy and care in the manner in which the ideas in the section were expressed. There were two examples of that which might be mentioned, because scarcely any argument could arise upon them. Their lordships would observe that in the first line of the section, "that if any person within any part of the United Kingdom" shall do so and so, "shall equip," &c. In point of strict construction it might be said that that indicated this idea—that the person who was spoken of there was to be himself within the kingdom, though as to the act which he was to do, it might be done either in or out of the kingdom. Of course it was agreed that that was not the construction, and the information proceeded upon a different construction. The information proceeds as if the act were worded thus: "If any person shall within the United Kingdom" do so and so, putting the word "shall," as it ought to be put, before the word within. And it was so clear that so utterly free from care and caution was the section, that when you came to the second part of it, the words were properly collocated, thereby condemning the improper collocation in the earlier part. The second part contained the second alternative. The words were these, "or shall within the United Kingdom or any of his Majesty's dominions, or in any settlement," &c., putting there the word "shall" in the proper place, and admitting that it was improperly placed before. Now, when the word "transport" occurs after the mention of the employment of the ship in the service of any foreign prince, then we find the words "as a transport or storeship, or with intent to cruise or commit hostilities against any prince," &c. The information assumes (and for the present purpose he would not contest the point) that the court were to read the word "transport" in connexion with the words "against any prince, state, or potentate." But could any expression be imagined so utterly careless or inaccurate as to talk of employing a ship in the service of a belligerent as a transport or storeship against another belligerent, as if a transport or storeship could be properly spoken of as a ship which would come under an expression of that sort—a

ship employed against another belligerent? Whatever be the offences which were indicated by the 7th section, they were offences purely and simply of positive law. They were not offences which in the remotest degree were *mala in se*, offences against morality, or offences as to which we could have any preconceived idea as to their character or extent. If that were required to be proved, it was proved to demonstration from this consideration, that offence *a priori* was offence against morality—an offence against those principles which in the absence of legislation would be admitted to govern the conduct of mankind. That consideration would make it necessary for him to enlarge a little the line of argument upon a statute like the one in question, and to enter into an inquiry, which he would make as succinct as the case seemed to him to demand—an inquiry into the history and policy of the legislature upon the subject. The preamble of the act states: "Whereas the enlistment or engagement of his Majesty's subjects to serve in war in foreign service without his Majesty's license, and the fitting out and equipping and arming of vessels by his Majesty's subjects, without his Majesty's license, for warlike operations in or against the dominions or territories of any foreign prince, state, potentate, or persons exercising or assuming to exercise the powers of government in or over any country, colony, province, or part of any province, or against the ship's goods or merchandise of any foreign prince, state, potentate, or persons as aforesaid, or their subjects, may be prejudicial to and tend to endanger the peace and welfare of this kingdom." We are told, said Sir Hugh, that the acts described "may be prejudicial to and tend to endanger the peace and welfare of this kingdom," and that the laws in force are not sufficiently effectual for preventing the same. What, therefore, was intended to be struck at and to be restrained was certain acts as to which it was said that they "might be prejudicial to and tend to endanger the peace and welfare of this kingdom;" and that the law in force at that time did not sufficiently restrain them. The attorney general, in moving for this rule, is reported to have said, after repeating the preamble of the act, "It is plain that the object was to preserve the neutrality of this country, and to enforce it against the subjects of this country, and to enforce it against the subjects of this country in matters in which the neglect of it by those subjects, or the violation of it here by foreign belligerent governments, was thought calculated to lead to a position, as regarded foreign nations, which would endanger the peace and welfare of the kingdom. How would it endanger the peace and welfare of the kingdom? Manifestly by involving us in a war—by making us practically, so far, parties, through our subjects, to belligerent operations—if we allowed this country to be made the base of those operations, either for the enlistment of men or for the equipping of vessels of war—as to make it probable that other countries would not endure it, but resent it, and that so we might become involved in war. That is the mischief which the statute is manifestly intended to protect us against." My lord, continued the learned counsel, there is no difficulty in ascertaining, therefore, what the view of the crown is as to the main object of the act of Parliament. The attorney general says that in the case of war prevailing between two belligerents, we ourselves remaining neutral, we have certain duties as a nation to perform in an international point of view. If those duties are neglected, one or other of the belligerents may complain of that neglect. If redress is not given upon that complaint, we, the neutral nation, may be involved in war. The belligerent which considers that it has a right to complain of our conduct may make it a *casus belli* against us. Therefore, says the attorney general, it was that the crown came to Parliament and asked for the sanction of the legislature to a restraint put by the crown upon those acts, which, if not restrained, would be complained of by the foreign belligerent power,

and if not redressed would become the source and the origin of war against ourselves. Now, if that were so, of course that again opens up a field which we shall have to examine, and invites us to consider what was the extent and amount of international duty which one or both of the belligerent powers might call upon us to observe, and which, if not observed, might be a cause of complaint against us on the part of the belligerent power in a war in which we were neutral. Now I think that in that way we shall get, and get upon principles which the attorney general himself admits, a key to the municipal legislation upon the subject. And fortunately the rules of international law upon this point will, if I mistake not, be found extremely simple, extremely clear, and extremely sensible. There are two rules, as I understand it, of international law, as to which I may say they are established upon authority which cannot be doubted, and between which the whole of this inquiry will lie. Those are rules with regard to the conduct in war of the subjects of the neutral power. I disembarass the case of any question as to the duty of the neutral power itself as a government; that is a different thing. That stands upon much higher and broader principles. I speak of the duty in war of the subjects of a neutral power. The government of a neutral power, we all know, as a government, is not at liberty to perform the smallest act which would be in itself an assistance to either of the belligerents. For example, the government of a neutral power would not be at liberty to furnish a gun, to furnish a shot, or powder, or ammunition of any sort, to either of the belligerents; but with regard to the subjects of the neutral power the case is different, and the first of the two rules to which I have referred is this—subjects of a neutral power in time of war are at liberty to supply either of the belligerents, or both of them, with all articles termed contraband of war. Now I will cite an authority as to which during this controversy there will be no dispute. Mr. Chancellor Kent, in the first volume of his *Commentaries*, says:

“It is a general understanding, founded on true principles, that the powers at war may seize and confiscate contraband goods by any complaint on the part of neutral merchants, and without any imputation of a breach of neutrality in the neutral sovereign himself. It was contended on the part of the French nation in 1796 (that is to say, it was contended against the United States) that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell at home to a belligerent purchaser, or carry themselves to the belligerent powers, contraband articles, subject to the right of seizure *in transitu*. This right has been explicitly declared by the judicial authorities of this country. The right of the neutral to transport and of the hostile power to seize are conflicting rights, and neither party can charge the other with a criminal act.”

Then, my lords, as to what is comprehended under the term “contraband,” which is here used, we find it laid down in an earlier page that they are arms and ammunition, and in a naval war, ships and materials for ships, and also horses and saddles, naval stores, and timber, and provisions, and various other matters. These are contraband articles which may thus be supplied. In addition to this, I will refer your lordships to the statement of the rule laid down by Mr. Justice Story, in an American case. He says: “There is nothing in our laws or in the law of nations (and of course it is to the latter expression I am referring) that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale. It is a commercial adventure, which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation.” Apart from any municipal regulation, that rule, as regards international duty, is

perfectly clear. No belligerent power can complain of acts of subjects of a neutral power upon this footing. They are acts which are not in any way prohibited by any rule of international law. That is one, my lords, of the two rules of international law to which I referred. The second rule is this: the territory of a neutral power must be kept absolutely inviolate from anything which may be termed a proximate or immediate act of war, and the neutral government will have a right to complain if that inviolability so defined of the neutral territory is infringed either by the belligerent directly, or by one of its own subjects at the instigation of the belligerent. Now, the rule in this case is laid down as clearly and as succinctly as the former. Chancellor Kent says, at marginal paging 118 of the first volume:

“It is a violation of neutral territory for a belligerent ship to take her station within it in order to carry on hostile expeditions from thence, or to send her boats to capture vessels being beyond it. No use of neutral territory for the purpose of war can be permitted. This is the doctrine of the government of the United States. It was declared judicially in England in the case of the *Twee Gebroeders*; and though it was not understood that the prohibition extended to remote objects and uses, such as procuring provisions and other innocent articles, which the law of nations tolerated, yet it was explicitly declared that no proximate acts of war were in any manner to be allowed to originate on neutral ground; and for a ship to station herself within the neutral line, and send out her boats on hostile enterprises, was an act of hostility much too immediate to be permitted. No act of hostility is to be commenced on neutral ground. No measure is to be taken that will lead to immediate violence. The neutral is to carry himself with perfect equality between the two belligerents, giving neither the one nor the other any advantage; and if the respect due to neutral territory be violated by one party, without being promptly punished by just animadversion, it would soon provoke a similar treatment from the other party, and the neutral ground would become the theatre of war.”

Now, my lords, I could not help feeling surprised in observing the note of the argument of the attorney general in moving for the rule, when he said, in an expression remarkable rather for its breadth than its accuracy, that he did not believe that it ever entered into the mind of any human being that one of the objects of the foreign enlistment act was to prevent collision between the belligerents using the neutral territory. My lords, it entered into the mind of Mr. Chancellor Kent, and it entered into the mind of Lord Stowell. The expressions they use are clear and interesting, and the case which they put (as it happens) as the consequence of a doctrine different from that which I will show is vindicated by the foreign enlistment act is this: if that doctrine were to be tolerated, you would have first one belligerent making use of the neutral territory for arming and for proceedings of a warlike character; you would have the other belligerent claiming to do the same; and in place of a peaceful and undisturbed territory, which a neutral nation has a right to expect its grounds to be, you would have the neutral territory being the theatre of collision and war. My lords, the same book upon this point refers to another matter connected with what I have read, and which still further illustrates it. At 120 of the marginal paging the author says:

“Bynkershoek makes one exception to the general inviolability of neutral territory, and supposes that if an enemy be attacked on hostile ground, or on the open sea, and flee within the jurisdiction of a neutral state, the victor may pursue him *dum fervet opus*, and seize his prize within the neutral state. He rests his opinion entirely on the authority and practice of the Dutch, and admits that he has never seen the distinction taken by the publicists or in the practice of nations. It appears, however, that Casaregis and several

other foreign jurists, mentioned by Azuni, held a similar doctrine. But D'Ahen, Valin Emerigon, Vattel, Azuni, and others, maintained the sounder doctrine that when the flying enemy has entered neutral territory he is placed immediately under the protection of the neutral power. The same broad principle that would tolerate a forcible entrance upon neutral ground or waters in pursuit of a foe would lead the pursuer into the heart of a commercial port. There is no exception to the rule that every voluntary entrance into neutral territory with hostile purposes is absolutely unlawful. The neutral border must not be used as a shelter for making preparations to renew the attack, and though the neutral is not obliged to refuse a passage and safety to the pursuing party, he ought to cause him to depart as soon as possible, and not permit him to lie by and watch his opportunity for further contest."

In the case which was referred to, in the first passage which I read, by Chancellor Kent, the case before Lord Stowell, of "the Two Brothers," reported in the third volume of Robinson's Admiralty Cases, this question arose: There was a capture, the legality of which came in question. The capture was said to be illegal because the capturing ship, at the time of the capture, was lying within neutral territory—that is to say, within three miles of a neutral shore. The ship did not move herself, and did not, with her guns, or otherwise, take any immediate part in the capture, but she sent her boats outside the neutral territory from the ship, and the boats made the capture; and it was contended that the capture was not invalid, because the ship herself had not made it. Now, Lord Stowell was of opinion that no proximate acts of war were in any manner to be allowed to originate on neutral grounds, and he could not but think that. (The learned counsel read at very considerable length the judgment of Lord Stowell.) His lordship stated that, if it were necessary to prove that a direct and immediate act of hostility had been committed, he should be disposed to hold that it had been sufficiently made out by the facts of the case. The distinction taken, continued Sir Hugh Cairns, between certain things—connected with hostility it may be—which are innocent, and other things connected with hostilities which are matters of complaint and international law—things termed direct and proximate acts or causes of hostility are deemed to be a violation of international law. Those things which are remote and not proximate are not so, and an instance is given by Sir William Scott even with regard to a ship admitted to be a ship which intends to commit hostilities at some future period, viz: that the obtaining provisions and supplies of an innocent character, and not of a warlike character, is an act which is remote—it may be a cause of war, it may be connected with war, but it is remote and not proximate, and the neutral nation cannot complain of any infringement of territory if an act of that kind alone is committed upon it. Now, I will ask, what should be the conclusion we should naturally draw from the two rules I have mentioned as to the course which municipal legislation might be expected to take? The law of nations defines a line outside the dominions of a state—I mean outside the land up to which municipal jurisdiction extends, and beyond which it ceases. We find that, according to the rules of international law, it is allowable to a neutral state, and to the subjects of it, to carry and deliver outside it any of those articles which are called contraband of war—guns, ammunition, ships, or any other article. International law also holds that you might carry guns, &c., from the neutral state, and deliver into a ship outside the boundary line, subject to the right of capture; but, on the other hand, the same law says you must not originate, on the neutral territory, any proximate act of war; you must not issue out of the neutral territory with a ship which shall be prepared to commit hostilities. I say it is beyond all doubt

clear, according to international law, that you might bring a ship outside the limit of neutral territory and hold it there or anchor, and fit and load another ship with guns or ammunition, and then carry that ship outside of the limit, and then transfer the guns and ammunition which you had so put on board, just as you would do in a foreign port. You would not be allowed to go inside a neutral territory and arm and prepare for hostilities, in a way calculated to commit hostilities, a ship which might sally out of the neutral territory, go beyond the limit, and, without any intervening space occurring in which it might be captured by the belligerent power, commence hostilities with a ship so armed. This would be a sort of outrage, and considered as an absence of neutrality. I should say, *a priori*, that what we should expect to be the course of municipal legislation upon the subject would be some legislation which would guard against such a case, and which, by way of restraint upon the subjects of the neutral power, would prevent its subjects from doing that of which the belligerent might complain. Now, we will see if that is the course of municipal legislation upon the subject. The first definite municipal act of the legislature was one passed by the Congress of the United States in the year 1794. There are various reasons why, if there be any question or doubt upon the construction of our own act of Parliament, we may fairly look to the history of the American legislation upon the subject. One reason would be, that to a very great extent, in the words of the statute, it is found that our own act follows the American act of Congress. Another reason would be, that we know as a matter of history that it is distinctly affirmed that the object of the legislation in this country was to follow, and to follow as closely as might be, the course of the American legislation. My lords, I find that, with reference to the English act of Parliament, the minister of the day by whom it was introduced (Mr. Canning) said this:

“If I wished for a guide in the system of neutrality, I should take that laid down by America in the days of the presidency of Washington and the secretaryship of Jefferson. In 1793 complaints were made to the American government that French ships were allowed to fit out and arm in American ports for the purpose of attacking British ships, in direct opposition to the laws of neutrality. Immediately upon this representation the American government held that such a fitting out was contrary to the laws of neutrality, and orders were issued prohibiting the arming of any French vessels in American ports. At New York a French vessel fitting out was seized, delivered over to the tribunals, and condemned. Upon that occasion the government held that such fitting out of French ships in American ports for the purpose of cruising against English vessels was incompatible with the sovereignty of the United States, and tended to interrupt the peace and good understanding which subsisted between that country and Great Britain.”

Now, my lords, Mr. Canning referred to certain rules which were issued by the American government just immediately before the act of Congress was passed, rules which are referred to by international writers as being the true exposition of international law. Mr. Canning refers to those rules, and says that if he wished for a guide in the system of neutrality he would take those rules so laid down, and he says that it was upon the principle of those rules that the English bill, as a matter of history in his view, was enacted. The American act of Congress passed in 1794. The occurrences which led to its being passed took place in the year 1793. The French republic was constituted early in the latter year, and the first act almost it did was to send a minister to the United States named Genet, and he instituted the equipment of privateers in American ports to cruise against and capture English vessels, the republic of France having declared war against

England at that time. America was at peace with the whole world, and naturally wished to reap the advantage which a commercial country expects to reap from a state of neutrality in the midst of war. America tried to see how far the acts of Genet could be put a stop to on principles of international law; if they could be put a stop to on those principles, to ascertain how far municipal law should be called in aid and constituted for the purpose. My lords, there are two or three references to matters of history which will bring us conveniently to the consideration of the American act of Congress. In the correspondence of one of the American ministers of the day, Jefferson, a book which is entitled *Jefferson's Memoirs and Correspondence*, in the third volume, page 242, Mr. Jefferson, writing to Genet, refers to the subject in this way. He says:

"In a conversation which I had afterwards the honor of holding with you, I observed that one of those armed vessels, the Citizen Genet, had come into this port with a prize (that is, into the port of Philadelphia;) that the President had thereupon taken the case into further consideration, and after mature consultation and deliberation was of opinion that the arming and equipping vessels in the ports of the United States to cruise against nations with whom they were at peace was incompatible with the territorial sovereignty of the United States, and that it made them instrumental to the annoyance of those nations, and thereby tended to compromise their peace, and that he thought it necessary, as an evidence of good faith to them as well as a proper reparation to the sovereignty of the country, that the armed vessels of this description should depart from the ports of the United States."

We have given as much as we could, under the circumstances, of the learned counsel's arguments, which had not concluded when the court adjourned.

In order to give some of the references made by Sir Hugh Cairns to American works, &c., we have had occasion to refer to a very lucid and excellent little work on the policy and interpretation of the foreign enlistment act by Frederick Waymouth Gibbs, C. B., which has just been published by Mr Ridge, of 169 Piccadilly. As all the public libraries close at 4 o'clock, and are made thereby useless to those who are obliged to work each day after the rising of the law courts, we deem it only fair thus to acknowledge the source from which in this instance we have derived much useful and valuable information.

Court of Exchequer, November 18.

Sir Hugh Cairns resumed his argument this morning, and we continue our report of it from where we left off last evening.

The attorney general, the solicitor general, the Queen's advocate, Mr. Locke, Q. C., and Mr. Thomas Jones, appeared for the crown; and Sir Hugh Cairns, Q. C., Mr. Karlake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay for the defendants.

Sir Hugh Cairns said: We have a letter from Washington to Mr. Hamilton, his minister, which clearly shows what was working in Washington's mind, and led afterwards to the rules which his secretary framed. It is printed in Sparkes's collection of the writings of Washington, and runs thus:

"DEAR SIR: AS I perceive there has been some misconception respecting the building of vessels in our ports, which vessels may be converted into armed ones, and as I understand from the attorney general that there is to be a meeting to-day or to-morrow of the gentlemen on another occasion, I wish to have that part of your circular letter which respects this matter reconsidered by them before it goes out. I am not disposed to adopt any

measure which may check ship-building in this country, nor am I satisfied that we should too promptly adopt measures in the first instance that are not indispensably necessary. To take fair and supportable ground I conceive to be our best policy, and it is all that can be required of us by the powers at war, leaving the rest to be managed according to circumstances and the advantages to be derived from them."

Before any act was done by Congress the circular letter referred to in this letter was settled and sent out. That circular contains certain rules, which contain, as I will show you, the true exposition of international law. In the collection of *American State Papers*, vol. i, p. 45, in the following letter, we have the circular letter as finally settled. Now, what the letter says to the collector of customs is this :

"No armed vessel which has been or shall be originally fitted out in any part of the United States by either of the parties at war is henceforth to have asylum in any district of the United States. If any such armed vessel shall appear within your district she is immediately to be notified to the governor and attorney of the district, which is also to be done with respect to any prize that such armed vessel may send or bring in. The purchasing in and exporting from the United States by way of merchandise any articles commonly called contraband, being generally warlike instruments and military stores, is free to all the parties at war, and is not to be interfered with. If our citizens undertake to carry them to any of those parties, they will be abandoned to the penalties which the laws of war authorize "

The rules ran :

"1. The original arming and equipping of vessels in the ports of the United States by any of the belligerent parties for military service, offensive or defensive, is deemed unlawful. 2. Equipments of merchant vessels by either of the belligerent parties in the ports of the United States, purely for the accommodation of them as such, is deemed lawful. 3. Equipments in the ports of the United States of vessels-of-war in the immediate service of the government of any of the belligerent parties, which, if done to other vessels, would be of a doubtful nature, as being applicable either to commerce or war, are deemed lawful; except those which shall have made prize of the subjects, people, or property of France, coming with their prizes into the ports of the United States, pursuant to the seventeenth article of our treaty of amity and commerce with France. 4. Equipments in the ports of the United States, by any of the parties at war with France, of vessels fitted for merchandise or war, whether with or without commissions, which are doubtful in their nature, as being applicable either to commerce or war, are deemed lawful, except those which shall have made prize, &c. 5. Equipments of any of the vessels of France, in the ports of the United States, which are doubtful in their nature as being applicable to commerce or war, are deemed lawful. 6. Equipments of every kind, in the ports of the United States, of privateers of the powers at war with France, are deemed unlawful. 7. Equipments of vessels in the ports of the United States, which are of a nature solely adapted to war, are deemed unlawful, except those stranded or wrecked, as mentioned in the eighteenth article of our treaty with France, the sixteenth of our treaty with the United Netherlands, the eighteenth of our treaty with Prussia. 8. Vessels of either of the parties not armed, or armed previous to their coming into the ports of the United States, which shall not have infringed any of the foregoing rules, may lawfully engage or enlist their own subjects or citizens, not being inhabitants of the United States, except privateers of the powers at war with France, and except those vessels which shall have made prizes, &c."

The result, therefore, of the whole is this : That laying down what was

then conceived to be the rule of international law in the case, these provisions were made complying with a treaty which America had with one of the powers, and providing for a test to be applied in every case whether you were dealing with a ship clearly a vessel-of-war or to a vessel which you did not know was meant for war or for commerce, and as to which there might be a dispute. Congress met at the close of the year 1793, and the enlistment act was passed. The third section, which agrees to a certain extent with our seventh section, stands thus: "If any person shall within the limits of the United States," and there I pause to observe that I think our American brethren write better English in this respect than we did, they put in the "shall" in its proper place; whereas, *per incuriam*, in our own act it has slipped out of the place where it ought to be found:

"If any person shall, within the limits of the United States, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out, or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the United States for any ship or vessel to the intent that she may be employed as aforesaid, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than \$10,000, and imprisoned not more than three years."

It is a singular thing that the words in the first part of this clause are conjunctive, "fit out and arm," or attempt to fit out and arm, or procure to be fitted out and armed; whereas when we come to the question of being concerned in the furnishing, it is the "furnishing, fitting out, or arming of any ship or vessel." That has been a subject of controversy in America, and I will show your lordships at a proper time what has been decided upon it. Another thing is very singular, that when we come to the word "concerned," another term is introduced, which is not found in the earlier part of the sentence, viz: "furnishing." The construction is, that you shall not within the United States fit out a ship as a ship-of-war, to be employed by one belligerent against another. That exactly tallies with the rules laid down by Washington, and adopted by writers upon international law. I will now ask you to go to the fourth section:

"That if any citizen or citizens of the United States shall, without the limits thereof, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid or be concerned in the furnishing, fitting out, or arming any private ship or vessel-of-war or privateer, with intent that such ship or vessel shall be employed to cruise or commit hostilities upon the citizens of the United States or their property, or shall take the command of or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase any interest in any such ship or vessel, with a view to share in the profits thereof, such person so offending shall be deemed guilty of a high misdemeanor"—

that is, to commit hostilities upon citizens of the United States, which is a wholly different matter. This section was not in the first act, but was introduced into the act of 1818. The fifth section seems to me, with reference to our investigation of what is the principal offence, of very great importance. It runs thus:

"If any person shall, within the territory or jurisdiction of the United States, increase or augment, or procure to be increased or augmented, or shall knowingly be concerned in increasing or augmenting the force of any ship-of-war, cruiser, or other armed vessel, which at any time of her arrival

within the United States was a ship-of-war, or cruiser, or armed vessel in the service of any prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, by adding to (augmenting, that is to say) the number of the guns of such vessel, or by changing those on board of her for guns of a larger calibre, or by the addition thereto of any equipment solely applicable to war, every person so offending shall be deemed guilty of a high misdemeanor, shall be fined not more than \$1,000, and be imprisoned not more than one year."

This throws a flood of light upon the whole legislation, and how it agrees with the rules preceding it. Here you are dealing with a case of a ship as to the destination and object of which there is no possible doubt. Is it lawful to equip her? Nothing of the kind. Is it lawful to augment her armed force by adding to the guns, by changing them for larger or other guns? But if there be any equipment, (and we all know there is abundance of equipment not applicable solely for warlike purposes,) she is at liberty to have that equipment; she may come in and get it and sail away; in other words, the very thing prescribed in the rule by Washington is to be attended to. Sir Hugh, after making some comments on the 1st section of the American act, passed to the 11th section:

"That the collectors of customs be and they are hereby respectively authorized and required to detain any vessel manifestly built for warlike purposes."

This is a new class of vessel; this is not an armed vessel. They cannot detain, generally, any vessel "manifestly built for warlike purposes," but any vessel "manifestly built for warlike purposes, of which the cargo shall principally consist of arms and munitions of war, when the number of men shipped on board, or other circumstances, shall render it probable that such vessel is intended to be employed by the owner or owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President be had thereon, or until a bond be given."

No amount of suspicion will justify the collector of customs in a case of that sort. The act merely intends to provide for the case where you are equipping within the ports of America a ship as a vessel-of-war, meaning by that, equipping her with things that are essential and distinguishing characteristics of a vessel-of-war. Now, having troubled your lordships with the words of the American act, I would refer you to those American authorities, so far as we have them upon the construction of this act of Congress, and the first in point of time is in *Bee's American Admiralty Reports*, page 76. Bee was not the reporter, but an admiralty judge of considerable reputation. The case is "Moodie vs. The ship Brothers." The question arose in this way: A privateer had taken a prize; she was brought in for adjudication, and Mr. Moodie, who was the English consul, and in whose name all the proceedings during the beginning of the war were taken, objected to the condemnation upon the ground that the privateer had been fitted out in a port of the United States, in contravention of the American act of Congress, which would have made the capture illegal, if it could have been proved:

"The prize, upon the arrival in this port, was, with the cargo, labelled by the British consul, Mr. Moodie, who, among other causes, alleges that the privateer" (the whole of this report is the judgment of the court) "was originally fitted out in the port of Charleston, or augmented in her warlike

force, contrary to the act of Congress and law of neutrality of nations; he therefore claims restitution of the captured vessel. The claimants cannot deny that the privateer was originally fitted, armed, or manned within any of the ports of the United States, or that she received therein any augmentation or addition solely applicable to purposes of war. They produce a copy of her commission from Leveaux, and plead the 17th article of the treaty with France in bar to the interference of this court in this cause. Several exhibits have been filed to show that the captured vessel and cargo are British property, and one exhibit shows that the privateer was formerly an armed vessel in the service of the King of Spain, and then mounted 18 guns; that she was captured by the Montagne, French privateer, and brought as prize into this port, whence she afterwards departed with fewer guns than she had on her coming in." It was agreed between the parties that certain evidence should be taken. The judge continues: "I have already, by my decree in the case of the Courier, declared my opinion of this privateer, but have reconsidered the evidence with great care of Messrs. Wallace, Libby, Williams, Carpenter, and Weyman, and the collector, and they all agree that she was a complete privateer when she first arrived there; she had then 14 guns on her main-deck, two cohorns forward, and swivels on her quarter-deck. They also agree that she received no augmentation of force here; she had been much injured in her engagement with La Montagne, and was compelled to take off her quarter-deck. She went to sea, returned dismasted, and took a new mast, (that was in an American port,) but none of the witnesses saw any additional equipments. Ingram, who worked on her, says she had her quarter-deck taken down, her waist repaired, and two ports cut therein; that she was an armed vessel when she arrived, and was repaired as a privateer. The question, then, is wholly as to the cutting of two new ports when her waist was repaired. This arises out of Ingram's testimony, which is at variance with that of Williams, Libby, and Carpenter, and positively contradicted by the oath of the claimants, who swear that the repairs she received in this port were necessary to her safety of sailing, but not at all applicable to war." The learned judge, convinced that that was the issue to be decided upon the evidence, whether the repairs or equipments she had received were at all applicable to war, continued: "They say she actually went to sea with fewer guns than she had when she arrived as a prize. Admitting, then, for the sake of reconciling Ingram's testimony with that of the other witnesses, and with this oath of the claimants, that two of her ports in the waist were altered, this will not amount to any additional equipments, nor can it be considered as a breach of neutrality. If a prosecution had been instituted under the act of the 5th of June, no forfeiture could have been adjudged for so trifling an alteration. Upon the whole, I retain my opinion, and that upon mature deliberation. I therefore admit the relevancy of the plea in bar."

Of course it is not for me to consider whether the learned judge was right or wrong in his conclusions upon the facts. He had to determine whether the equipments put on board in an American port were solely applicable to war, and he thought they were not. That was the construction he put upon the act, and dealt with the case accordingly. I ought to have called your lordship's attention, before I commenced the American cases, to a reference to the authority upon international law, showing that the rules laid down by the Washington government and the American act of Congress were declaratory of and in accordance with the antecedent rules of international law. Mr. Chancellor Kent, vol I, marginal paging 122, says: "The government of the United States was warranted by the law and practice of nations in the declarations made in 1793 of the rules of neutrality, which were particularly recognized as necessary to be observed by

the belligerent powers in their intercourse with this country. These rules were, that the original arming or equipping of vessels in our ports by any of the powers at war for military service was unlawful, and no such vessel was entitled to an asylum in our ports. The equipment by them of government vessels-of-war, in matters which, if done to other vessels, would be equally applicable to commerce or war, was lawful. The equipment by them of vessels fitted for merchandise and war and applicable to either was lawful, but if it were of a nature solely applicable to war it was unlawful. And if the armed vessel of one nation should depart from our jurisdiction, no armed vessel, being within the same and belonging to an adverse belligerent power, should depart until twenty-four hours after the former without being deemed to have violated the law of nations."

This is an authority which will connect us with the whole chain I have given, first the declaration and then the act of Congress, showing that the declaration and the act of Congress were simply an affirmance of the rule of international law. Having turned aside for a moment, I now return to the next case upon this act in the American authorities. There was a trial for a misdemeanor under this act in the year 1795, reported in Wharton's American State Trials, page 93. The questions were, whether there was an equipment within the terms of the act of Congress within the American jurisdiction; and the other was, whether there was an intent on the part of Quinet, the prisoner, to join in using the ship as a privateer. The indictment was that he was concerned in furnishing, fitting out, and arming a certain vessel or ship called *Les Jumeaux*, lying at the port of Philadelphia. The evidence went to show that the vessel had four iron guns, with carriages; her whole appearance changed from what she had been—twenty ports open, and a crew of between thirty and forty on board. Quinet was convicted. The attorney for the states contended that, being converted from a merchant vessel carrying a few guns for self-defence into a privateer armed for hostilities, it was clearly an original outfit within the meaning of the law. Mr. Justice Patteson, in summing up, after going into the evidence, said:

"If the equipments were not to be used for merchandise, the inference was inevitable that they were to be used for war. No man would proclaim from the housetop that he intended to fit out a privateer; the intention must be collected from all the circumstances of the transaction, which the jury will investigate, and on which they must decide. But if they are of opinion that it was intended to convert this vessel from a merchant ship into a cruiser, any man who was knowingly concerned in so doing is guilty in the contemplation of the law."

The warlike equipments are superadded at last, and at last the judge and all the counsel agreed to take the case as turning on that, using the words of the judge, whether there had been a conversion of the ship into a ship-of-war by virtue of those equipments. Here is a case in which, if the argument suggested on the other side were to prevail, the court and all the counsel were occupying themselves in the most unnecessary and superfluous way it is possible to imagine. If it be right that if you equip in any way within the dominions a ship as to which there is an intent at some time to convert her into a vessel-of-war, you commit an offence, what on earth was the use of the elaborate evidence produced in the case, and the consideration the judge gave to it to show that the equipment was of a warlike nature? because that is the point to which all parties addressed themselves to consider. There is one more American case which I would refer to, viz: the case of "*The United States vs. Quincy*." (The facts of this case are very long, and we shall only give a mere epitome of them.) Quincy was charged with being knowingly concerned in the fitting out of a vessel called the *Bolivar*, with the intent that she should be employed in the service of

a foreign people, &c., in hostilities, and the allegation was that he was knowingly concerned in the fitting out of this vessel. The Bolivar was originally a pilot boat, and after alterations sailed from Baltimore, having on board provisions, 32 water casks, one gun-carriage and slide, a box of muskets, and 13 kegs of powder. The master, Paterson, and the owners, Valette, had given a bond not to commit hostilities. For Quincy it was argued that, because the American act, when speaking of the principal offence, defined it to be to equip and arm, &c., the secondary offence of being concerned in, &c., could not be committed unless the prosecution could show that he was concerned in fitting out and arming. Both must combine. After the case had been argued and carefully considered, the court held that it was not necessary that the jury should believe or find that the Bolivar, when she left Baltimore and during her voyage to St. Thomas, was armed, or in a condition to commit hostilities, in order to find the defendant guilty of the offence charged in the indictment. Sir Hugh Cairns came now to the consideration of the English foreign enlistment act. Not, as he said, for the purpose of altering the legitimate construction of the act, but, for the purpose of putting the court into possession of the circumstances as a matter of history, under which it was passed, and for the purpose of showing its compliance with the rules of international law, he would shortly refer them to what those circumstances were under which the act was passed. Sir Hugh went on to say: My lords, they may be very briefly stated from Sir Archibald Alison's history. In the 1st volume of his second *History of Europe*, section 95, he refers to the very great popular excitement in the year in which this act was passed, and the circumstance of the Spanish colonies having revolted from the mother country, and states that, from the strong sympathy felt in this country with the revolted colonies, both naval and military equipments were being prepared to assist them. A British adventurer, who assumed the title of Sir M'Gregor M'Gregor, collected a considerable expedition in the harbors of this country, with which, in British vessels and under the British flag, he took possession of Porto Bello, South America, then in undisturbed possession of a Spanish force, a country at peace with England. This aggression led to remonstrances by the Spanish government, and in consequence the government brought in a foreign enlistment bill, which led to violent debates in both houses of Parliament. Alison goes on to show to what extent this matter had gone in Ireland, referring to debates in Parliament, and the doctrines laid down by Martens, the international writer, which Lord Lansdowne had referred to. Having read the extract from Alison, Sir Hugh said: The same state of things is described by Mr. Canning himself in these words:

“What would be the result if the House of Commons refused to arm government with the means of maintaining neutrality? Government would then possess no other power than that which they exerted two years ago, and exerted in vain. The House would do well to reflect seriously on this before they placed government in so helpless a situation. Did the honorable and learned gentleman really think it would be a wholesome state of things that troops for foreign service should be parading about the streets of the metropolis without any power on the part of the government to interfere to prevent it? At that very moment such was the case in some parts of the empire, and he had little doubt that in a very short time the practice would be extended to London.”

And in another part of the same speech he says:

“It was extremely important for the preservation of neutrality that the subjects of this country should be prevented from fitting out any equipments, not only in the ports of Great Britain and Ireland, but also in the other ports of the British dominions to be employed in foreign service. The

principle in this case was the same as in the other, because by fitting out armed vessels, or by supplying the vessels of other countries with warlike stores, as effectual assistance might be rendered to a foreign power as by enlistment in their service. In this second provision of the bill two objects were intended to be embraced—to prevent the fitting out of armed vessels, and also to prevent the fitting out or supplying other ships with warlike stores in any of his Majesty's ports. Not that such vessels might not receive provisions in any port in the British dominions, but the object of the enactment was to prevent them from shipping warlike stores, such as guns and other things, obviously and manifestly intended for no other purpose than war."

That was the evil they had to guard against—a state of things in which you had the enlistment and the parading through the streets of men in military assemblage, and the supplying of ships with equipments which are of a warlike character, guns, and matters *ejusdem generis*, with which the ship would be more or less able to commit hostilities the moment it left the neutral country. Sir Hugh Cairns then read through the preamble of the act, making such observations as he thought necessary upon it, and went through all the sections, one by one, of the act itself. When upon the seventh section, (the section on which the information is founded,) Sir Hugh said he would remind the court of what he had before stated upon this section, and of the circumstance that the whole was prefaced by the words, "without the leave and license of his Majesty;" showed that there was nothing in this which could be said *a priori* to involve any offence in the nature of *malum in se*, or an offence as regards the existence of which you could have any preconceived or preformed opinion. We have seen from our own shores an expedition go out fitted out in the most formal way, as ships-of-war, commanded by officers, some of whom were in her Majesty's service, to China, where the Chinese government are belligerents against a portion of the Chinese empire. The whole was done by leave of the crown, given in an order of council for the purpose. It is, therefore, one of those things in which the crown may throw open the whole of that, whatever it may be, which is covered by the seventh section, if it so thinks fit. There is, therefore, no moral offence, no *malum in se* which is struck at by the section. The next point is the principle of the entire offence which is defined by this section. Is there any prohibition against building a ship as distinguished from equipping, fitting out, furnishing, or arming? Now, I say that the most cursory inspection of the word would lead us to conclude that there is assumed throughout this section that, before you come to ascertain whether the offence is or is not committed, there is a ship or vessel in existence—there is a ship spoken of which is to be equipped, &c. The natural construction of those terms would be that the ship was in existence as a ship, and that something was to be superadded to the ship, which has occurred here, whatever it may be, equipping, fitting out, or arming. The forfeiture clause makes it still more clear. It says: "And every such ship or vessel, with the tackle, apparel, &c., which may belong to or be on board of any such vessel, shall be forfeited." And towards the end of the clause it says, "And that every such ship or vessel, with the tackle, &c, together with all the materials, &c., on board such ship, may be prosecuted and condemned in the like manner and in such costs as ships or vessels may be prosecuted for a breach of the excise laws." Therefore, your lordships, observe that when you come to the end there is a distinction made between the two things spoken of, viz., the ship or vessel itself and the furniture, &c, connected with the vessel. In addition to that, in the part of the section which speaks of the issuing or delivering of a commission, these words occur: "For any ship or vessel, to the intent that such ship or vessel shall

be employed as aforesaid." Again, speaking of the existence of the ship or vessel as a thing independent of any equipment or outfit which may be placed upon it, I may say, my lords, as to that, that if the argument is maintained on the other side, which I have seen maintained out of doors, namely, that the moment you find any part of the structure of a vessel to be a part which is suitable for a vessel-of-war, and not for a vessel of commerce, that ship is struck at, and comes within the ambit of this act of Parliament. If that argument is maintained, it must go to this length: that if it were the case, as very probably it is, that in laying down the keel of a ship the keel may be laid down of a kind more or less fitted for a ship-of-war, according as you do or do not intend to employ the vessel as a ship-of-war; if the keel be laid down with the intent that she shall be used as a ship-of-war, then that is an offence committed within the act, that it is a misdemeanor, and that there is a forfeiture, not of the ship, for there is no ship to be forfeited, but a forfeiture of the keel so laid down. That would be absurd. I really do not know that the argument requires any graver consideration; it would be absurd to say that where the act speaks of a ship or vessel being forfeited with her equipments, that is satisfied and met by the mere laying down of the keel, which in no sense can be called a ship, much less any part of the equipment of a ship. If I carry your lordships with me in that observation, and if you ultimately are of opinion, as I think you will be, that it is impossible to contend that building, as distinguished from equipment and furniture, is struck at here, you will observe that there are other matters here connected with ships which are not in any way mentioned or restrained; for example, there is nothing here which restrains the hiring of a ship, or the hiring of room in a ship, for the purpose of carrying out warlike stores, to be delivered either to the ship abroad or to a port abroad; there is not a word which would indicate that that was to be an offence in any shape or form. Again, then, my lords, another observation occurs to me, which is this: if building is not struck at by this act of Parliament, it follows upon every sound principle of reasoning that when you come to deal with words such as "equipping, furnishing, fitting out, or arming," you must take them to be words *diversi generis*, as meaning something of a different kind, something not *ejusdem generis* with building. You cannot upon any sound principle of reasoning assign so capacious and so unmeaning an object to an act of Parliament as to conceive that it does not strike at the building of the hull of a ship, but that it does strike at something which is just of the same kind and character and nature as the mere building of the hull, and which is not connected in any way with hostile or warlike ship-building. But if you adopt the argument that those words "equip, furnish, fit out, and arm" are all *ejusdem generis* among themselves, so that the character of the last will give a complexion to the whole of the four, then you at once get at an intelligible object and an intelligible meaning on the part of the legislature—namely, that it did not mean to prohibit mere building; that it did not mean to prohibit anything which was of the character of building, and as harmless as building is allowed to be, but that it did strike at something of a wholly different character, something that would turn the ship into a ship of a distinctively warlike character, and give it those attributes and powers which a ship fitted out for war would have. Now, my lords, I am still not approaching the words "attempt or endeavor," or "procure," or "be concerned in," but I am still endeavoring to find out what is the complete offence, if I may use the expression, which is struck at by this section; and the result of my arguments as I have put them before your lordships, abandoning for a moment the verbiage of the act of Parliament, which really cumbered us, and abandoning also for a moment any question of attempt or endeavor, and pointing merely to the principal offence itself, I submit that

the construction of the sentence, putting it in very short terms, is this—it is a prohibition to this effect: no person within her Majesty's dominions shall equip a ship as a ship-of-war with a view to its being used by one belligerent against another. The ingredients in the offence therefore are two fold: first, it must be committed within her Majesty's dominions; second, there must be an equipment as a ship-of-war, by which I understand an equipment of a warlike character. Your lordships will observe that I am carefully avoiding putting the case as high as it might be put in argument. I might say it must be an equipment which will enable the ship to cruise and commit hostilities—that is, going further, then warlike equipment would not be sufficient. The learned counsel then observed on the eighth section, and made some general remarks upon the information itself. He said “he would deal with the minor words.” They are, in the first place, to attempt or endeavor to equip; secondly, to procure to be equipped; and, thirdly, knowingly aid or assist or be concerned in equipping. Now, at this branch of the argument, I am entitled to assume that the view I have submitted of the principal offence is the correct one; otherwise, of course, it would not be necessary to go into the minor ones; but I will assume now, that the principal offence is an offence so constituted, that is, an equipping within her Majesty's dominions in a distinctly warlike manner a ship to be used by one belligerent to cruise and commit hostilities against the other. Now let me take, first, “an attempt or endeavor to do that.” What does that mean? Does it mean an attempt or endeavor to do that out of the jurisdiction? It must, of course, be an attempt or endeavor to do the act, which, if it had gone on to its consummation, would be the offence described in the earlier words of the section. If the offence described in the earlier words of the section be to equip in a distinctively warlike manner within the jurisdiction a ship or vessel to be so used, the attempt or endeavor must be shown to be to equip in that distinctively warlike manner within the jurisdiction that ship or vessel so to be used. Now, I will show your lordships, when we come to the evidence in this case, that it never was once suggested that, beyond that which was actually done upon the ship *Alexandra* at the time of seizure, there was a grain of evidence going to show that anything of a different character, anything *diversi generis*, was to be done to the ship, before she left the jurisdiction; and I say that advisedly, bearing in mind that there was an attempt made, with which I shall qualify my statement, to show something about guns to be put on board, which was given up by the attorney general at the trial, but which I will deal with, as the attorney general has now renewed the charge. But putting that out of the case, I say it carries not the case the least further. If you rely on an attempt or endeavor, you must show that the attempt or endeavor was to do that particular act which, if the attempt or endeavor had not failed or been interrupted, would have been the offence intended by the act of Parliament. The lord chief baron: I think there cannot be a doubt that the first thing is this: before you talk about attempting, endeavoring, aiding, or procuring, or anything of that sort, you must first see what is the offence created by the act of Parliament; what is the act that is not to be done. Then, when you have ascertained what that is, there can be no doubt that to aid or abet in that, to procure that, to assist in that, and so on, is a minor offence against the same statute, but it does not create a new and different one; and I own, I think there was a great deal of mistake on that point, and much confusion has arisen from the act itself and the attempt to do it being put into different categories. I called your attention very early to-day to that distinction. Let us know what we are to understand as the act forbidden, because to assist, to aid, procure, or order, and so on, any other matter than that which is forbidden, is no offence at all; and therefore

it was that I put the question to the jury, "Do you believe that this vessel was intended, before it left Liverpool or any other port of her Majesty's dominions, to be in such and such a condition, either equipped or armed," because if that was not intended then all the assistance and doing is nothing. It was admitted the vessel was not completed. If it was not intended to put the vessel into a condition so as to complete the offence against which the act is made, all the attempts are of no importance. Sir Hugh Cairns: I should beg leave to illustrate it in this way, to meet what I understand to be the argument of the crown, intimated in the words I have read: Suppose the case of a ship clearly and admittedly unequipped, unfitted, and unarmed, but built within this country. Lord chief baron: Allow me to say that there is an omission in a part of my summing up which seems to have led to some mistake. I think the late attorney general very much misunderstood it, but everybody who read it with the smallest portion of candor must, I think, perceive that the word "if" has been left out. I am made to say this: "Because, gentlemen, I must say, it seems to me that the Alabama sailed away from Liverpool without any arms at all, merely a ship in ballast, unfurnished, unequipped, unprepared, and her arms were put in at Terceira, not a port in her Majesty's dominions. The foreign enlistment act is no more violated by that than by any other indifferent matter that might happen about a boat of any kind whatever." All that was prefixed by the word "if." Sir Hugh Cairns: Yes, it was one sentence prefixed by the word "if." Lord chief baron: I must say it seems to me that "if the Alabama" is how it should be read, and I think that no person reading it with any candor would suppose that I had taken on myself to say that the Alabama did all that, because I knew nothing about it; there was no evidence about it. The attorney general: We all understood your lordship so. Lord chief baron: It is very obvious what I mean. The attorney general: It is merely a clerical error. Sir Hugh Cairns: It is correct in one of the copies. Lord chief baron: If I had known that it had appeared in either copy, I certainly would not have said a word about it, for the accuracy of the report is really highly praiseworthy. Sir Hugh Cairns: Your lordship will find it at page 245 of the smaller copy. The attorney general: Your lordship will remember that I read from the smaller copy when I moved for the rule. Sir Hugh Cairns: You will see, my lord, it is not only that you said "if," but you said, "if it were true that." Lord chief baron: Yes.

We are now compelled to pass over the next part of the argument, owing to the very great length to which the learned counsel's argument has gone.

The question (continued Sir Hugh) I was arguing last evening was whether, supposing you could show in point of evidence that, there being in this country a ship wholly unarmed and wholly unequipped, it could be proved there was a certain equipment and armament made ready for her set apart in some store; and supposing that you had conclusive and distinct evidence that there was no intention to put that equipment or armament on board in this country, but the intention throughout was to do so without the dominions, would that be an equipment or a furnishing or a fitting out within the act of Parliament? Test it thus: Suppose an indictment were framed under such circumstances under this act, and with reference to the arming of this ship; of course it would charge that the person indicted did, within her Majesty's dominions, arm a ship or vessel of such a name with the intent mentioned in the act. How would that be supported? By a proof of this kind—not that there was any armament put on board, but there was a store in these dominions in which had been prepared an armament for the ship, but the evidence showing at the same time a clear intention to put it on board without the dominions. The answer would be that that was not an arming of the ship. You have failed in the allegation that you have

made. If that be so with regard to armament, it would be so with regard to equipment, &c. Try it thus: I allege that if a man furnished a house, is that allegation proved in point of fact if I show that he has not and never had a particle of furniture in it, but that a person went out and ordered furniture to be made, and had it prepared and put into a repository with a view to furnish the house at some future time and under different circumstances? You will see how far the argument I am combating will have to go, because, if the argument were a sound one, it would be equally an offence within the act of Parliament to show that there had been, within her Majesty's dominions, an armament or an equipment prepared for a ship which was never within her Majesty's dominions at all; it would be equally true to aver that A B armed or equipped, or furnished, or fitted out a ship.

The lord chief baron. Or attempted to do so.

Sir Hugh Cairns. Or attempted to do so—that is to say, if you could show that the ship being without the dominions, and never having been within them, or attempted to be brought within them, A B had prepared or attempted to prepare a certain armament or equipment with the view to be carried out of the dominions and put on board that ship. Your lordships will remember that with regard to the *Alexandra* there was no evidence whatever over and above what was actually done upon the ship. There was no armament, equipment, or any furniture or fitting out which could make that act an addition to what appeared upon the ship herself. Persons who take strong views say that it is a thing not to be tolerated, that the ports of this country should be turned into arsenals or used as arsenals for one of the belligerent powers. Now, if that is properly understood, I have not the slightest objection to the expression, if it means that they are not to be used to put on board a warlike equipment; but if it is intended to designate anything more than that, I entirely object to it, because there is not the slightest doubt that, according to the popular meaning of those words, the law, whether right or wrong, is so—viz: that you may turn our ports into arsenals for one of the belligerent powers. There is nothing, that I am aware of, to prevent one of the belligerent powers creating a manufactory of arms in one of our ports, for the convenience of shipment afterwards, or establishing a manufactory of arms at a seaport of this country, such as the government have at Woolwich, and make guns and small arms, and sending them away by ships, subject of course to the liability of being captured as contraband goods. Unfortunately, having gone through the observations which I had to make upon the construction of our English act, I am not able to supply your lordships with any judicial authority upon the subject of the construction of the act in this country. The fact is, as has been stated, I believe, on both sides of this case, and I believe it is accurate, so far as we know, that there never has been an instance in this country where any judicial construction has been put upon this act of Parliament.

The lord chief baron. My brother Martin intimated to us that he recollected perfectly well a case tried before Mr. Justice Coltman.

Sir Hugh Cairns. That was the case of a Sicilian ship—*Graneli's* case.

The attorney general. We have a note of the summing up in that case. I cannot say much about its authenticity, for it does not come from a source the courts are in the habit of looking at; but if it be accurate, it seems to have been ruled by the learned judge on that occasion.

Mr. Locke. I have it from *The Times* newspaper, my lord.

Mr. Baron Channel. Lord Chelmsford was the attorney general of the day; I think he was in the case.

Mr. Locke. There is a full report of that case in *The Times* newspaper of the 6th of July, 1849. I do not know whether your lordships will pay attention to a report of that kind, but it seems very accurately done, and there is the summing up of Mr. Justice Coltman. I should also tell your lordships

that Mr. Justice Maule was on the bench at the Central Criminal Court along with Mr. Justice Coltman upon that occasion, and there is one very important observation.

The lord chief baron. As far as my experience goes, the circumstance of a learned judge being present has very little to do with an opinion about the matter. Unless in cases of very serious importance, there are seldom two judges present in the same court; that is for the public convenience.

Mr. Locke. The case occupied no less than four days in being tried, and on the one side was Sir Frederic Thesiger, and on the other Sir Fitzroy Kelley, besides other counsel.

Mr. Baron Channel. The corporation of the city of London employ a short-hand writer; whether they did so at the time or not, I do not know.

Mr. Locke. Yes, my lord.

Mr. Baron Channel. The report furnished by the short-hand writer is not a full report of the case—that is to say, of the speeches of counsel; but all points of law ruled are taken notice of, and it is printed by some booksellers in Chancery lane, who publish it; it comes out quarterly or monthly, and copies of that work are sent to the judges. Whether that practice existed at the time when the cause now referred to was tried or not, I do not know; if it did, we can have a copy.

Mr. Locke. I can tell your lordship exactly what the practice was at that time, as it now is. A short-hand writer is employed by the corporation, and copies are sent to all the members of the corporation. I do not know whether to the judges or not.

Mr. Baron Channel. Yes; they are sent to the judges.

Mr. Locke. That short-hand writer merely takes down the evidence. There are no objections by counsel taken down, nor any arguments, nor any summing up of the judges. It is simply the evidence. I have that book, if your lordships like to consult it; but, in consequence of there being no points taken, nor any summing up, I consulted *The Times* newspaper as the best medium that I could adopt, and I there find a very long report during four days, and one or two objections which were taken—one by Sir Fitzroy Kelley, which bears directly upon the question, which was overruled by Mr. Justice Coltman—and likewise the summing up of the judge. It is given at great length.

Sir Hugh Cairns. Perhaps my learned friend will allow us to see the note, *valcat quantum*, which he has been able to obtain. I recollect, my lord, proceedings which took place on the subject elsewhere.

The lord chief baron. It is not usual in this court, nor I believe in any court, to refer to the report of a trial in a newspaper.

Sir Hugh Cairns. No doubt, my lord, that would be very inconvenient, and I do not propose it at present.

The lord chief baron. The only use I can make of it is this—that my brother Martin, who was present at the trial, should be furnished with the newspaper report to refresh his recollection; and if he could report to us anything which was decided, it might be useful. I think that is the only way in which one could apply it.

Sir Hugh Cairns said that he was not aware of any other case having arisen upon the construction of the foreign enlistment act, and it was remarkable from the fact that seventy years had now passed from the passing of the original American act, and forty years had elapsed since the English act was passed; and he could safely say that occasions must have arisen in the United States repeatedly, and in this country also, where they would have found instances of ships built in such a way as to be easily convertible into ships-of-war, taking their origin in ports of the United States, while a neutral power, or in ports of this country, while a neutral power, and leaving those ports without warlike equipments. Instances must have arisen, again and again, in which those ships

might have been made the subject of proceedings under the foreign enlistment act, if it had ever occurred to the mind of any power that proceedings could be taken in a case where you had not the warlike equipment on board the ship. I will now, said Sir Hugh Cairns, call attention to a matter—to the Terceira affair. It occurred about the year 1830, when warlike proceedings were taking place between those who supported Don Miguel on the one side, and the Queen of Portugal on the other. A number of Portuguese refugees came to this country, obtained a ship at Plymouth, and sailed in her for Terceira, having exported in another vessel a quantity of arms and equipments which they caused afterwards to be transferred on board their own ship, and our government, feeling annoyed, took a step which provoked considerable discussion, viz: gave directions to our ships-of-war to intercept the vessels and fire upon one of them, which they accordingly did as she lay in the waters of Terceira. On the part of our government it was said, that suppose our ships did fire on the vessel in the waters of Terceira, still, while they were in this country they committed a breach of the foreign enlistment act, and made themselves liable to capture and detention, because they did not put their armament on board the ship in which they left this country, but sent it out with a view of transferring it into their own ship and incorporating the two. If that were true it could not justify the attack made, as it was within the dominions of another power, for an alleged breach of our own foreign enlistment act. Mr. Huskisson, in his place in Parliament—a minister who had taken part in the passing of the foreign enlistment act, and one of the supporters of the policy of it in general, for he was a colleague of Mr. Canning—is reported to have said, in the third volume of his speeches, at page 559 :

“It might be supposed from my right honorable friend’s remarks, that during the fifteen years we have been at peace our neutrality had never before been violated. Has my right honorable friend forgotten the repeated complaints made by Turkey, and has he forgotten that to these complaints we constantly replied, ‘We will preserve our neutrality within our dominions, but we will go no further?’ Turkey did not understand our explanation, and thought we might summarily dispose of Lord Cochrane and those other subjects of his Majesty who were assisting the Greeks. To its remonstrances Mr. Canning replied, (and my right honorable friend being then a colleague of Mr. Canning, must be considered to be a party to his opinions,) ‘Arms may leave this country as a matter of merchandise, and, however strong the general inconvenience, the law does not interfere to stop them. It is only when the elements of armaments are combined that they come within the purview of the law, and if that combination does not take place until they have left this country we have no right to interfere with them.’ Those were the words of Mr. Canning, who extended the doctrine to steam-vessels and yachts that might afterwards be converted into vessels-of-war, and they appear quite consistent with the acknowledged law of nations.”

Now, my lords, this is not the mere statement of opinion of Mr. Huskisson. If it were, of course it would be entitled to respect, and nothing more. This is the statement of a public act, done by a minister of this country in the administration of the affairs of this country, and in the dealings between this country and foreign powers. This is a statement made by a person who had been a minister at the time of which he spoke of a complaint which had been made by Turkey, at the time when Lord Cochrane was engaged in one of those expeditions in which, in his early life, he was concerned. Turkey complained that that was being done. Turkey complained of the export of arms, and ships leaving the country, though not armed, and the answer stated by Mr. Huskisson to have been made by Mr. Canning is this: “It is only when the elements of armaments are combined that they come within the purview of the law; and if that combination does not take place until they have left this country we have no right to interfere with them.” Now, those clearly were the cases where, if the

doctrine now put forward had been considered to be the true exposition of this act of Parliament, there would have been a right to interfere on the part of the government, and we may presume that proceedings would have been taken to prosecute those ships. Now, my lords, I will come to the cases that were mentioned in the course of the trial of the *Oreto* and the *Alabama*, and speak of them as if they had occurred twenty years ago, and simply matter of history; and if I refer to the words of others I do so merely as indicating the course that was taken with reference to those ships upon the act of Parliament. The whole record of the proceedings of these vessels may be found in the new edition of Mr. Wharton's book on international law. The case of the *Oreto* was simply that she was built at Liverpool, left that port unarmed, was subsequently equipped, and became a war-ship in the confederate navy. I will take the case of the *Oreto* first. This is the statement which I find made in Parliament by one of the advisers of the crown with regard to the *Oreto*, and it will be a statement, I think, bearing directly upon the view taken of the construction of the act of Parliament. "The *Oreto*," says the solicitor general, (Sir Roundell Palmer,) in Parliament, upon the 11th of March in this year, "was made the subject of due representation only once before she left this country, because she sailed from Liverpool on the 22d of March clandestinely, as did the *Alabama*, and it was only on that same day that a conversation took place between Mr. Adams and Lord Russell, which might have led to her detention if she had not gone. On the 18th of February the first and only previous information communicated to our government was given by Mr. Adams. He stated a case which clearly called for inquiry. The commissioners of customs were directed to make an inquiry; they did so, and on the 22d of February they reported that circumstances worthy of credit tended to show that the *Oreto* was going, or at all events was credibly represented to be going, to Italy, and not to America, and not a particle of evidence had been offered to the contrary. She was not then fitted for the reception of guns, and had nothing on board but coals and ballast. There was consequently nothing to justify her detention—nothing but vague rumors and suspicions. No further representation was made, and the *Oreto* sailed on the 22d of March. What then happened? The circumstances of her departure, and the contemporaneous representation made by Mr. Adams to our government, made it probable that she was really intended for the Confederate States, and that our officers had been imposed upon. Still, the case was not clear; there was nothing proved to have been done in England which a court of law would certainly have construed as a violation of the foreign enlistment act. Nevertheless, our government immediately sent orders to Nassau, whither she was understood to have gone, and when she arrived there she was watched. Upon the appearance of a delivery of stores which appeared to be munitions of war into the *Oreto* while in our waters, although the case was doubtful, and it was questionable whether the evidence would prove sufficient, still, to show our good faith, we strained a point, and, acting upon some evidence, the *Oreto* was seized. What was the result? She was tried and acquitted, the evidence not being sufficient. Now my observations upon that are these: Here is a statement that the *Oreto* left Liverpool; that at the time when she left Liverpool she had no warlike equipments on board, but of course, from the nature of the case, she was prepared and able to sail away from Liverpool. She came to Nassau; she is still within our jurisdiction. Before she came to Nassau it has become clear that she was not going to Italy, where she had been said to be going originally. The circumstances were supposed to be sufficiently clear to justify a case made that she was going to be employed by the confederate powers. What is the course taken? Do they say the mere fact that she was able to sail away from Liverpool—the mere fact that she had on board those appliances which would enable her to sail from the port of Liverpool, although she had no warlike equipment on board, will be

enough when coupled with the intent to be employed in a particular way, of which we now have evidence? Nothing of the sort. The *gravamen* of the charge is that she took in munitions of war while in the waters of Nassau. I desire to put it no further than it ought properly to be put. I say that that is clearly a statement that the view taken by those who took proceedings against the *Oreto* was that, short of something that could be called a warlike preparation, they could not institute proceedings against the ship; that there was nothing which amounted to a warlike preparation until she came into the waters of Nassau, and it was in respect of that preparation that she was seized. The *Oreto* was tried at Nassau, in the vice-admiralty court, and was acquitted. Now, the case of the *Alabama* was dealt with at the same time, and the facts respecting it I am willing to take in the same way and upon the same statement. Now, with regard to the *Alabama*, I find this:

“On the first of July the commissioners made their report to Lord Russell. They said it was evident the ship was a ship-of-war. It was believed, and not denied, she was built for a foreign government, but the builders would give no information about her destination, and the commissioners had no other reliable source of information on that point. Were our government wrong in not seizing the vessel then? The circumstances disclosed in the case tried before Justice Story were so far exactly the same as those which occurred in the case of the *Alabama*, and, in the absence of any further evidence, the seizure of that ship would have been altogether unwarrantable by law. She might have been legitimately built for a foreign government, and, though a ship-of-war, she might have formed a legitimate article of merchandise, even if meant for the Confederate States.”

I will now refer to another part of the same speech:

“What is alleged against us? What is the extent of the acts committed, even by individual subjects of this country, which can be considered contrary to any law of our own? Why, the building of these two particular ships. If our law failed to reach them while they were within our jurisdiction, and if nothing was done by them in our ports or in our waters which was against international law, how can we be held responsible for their subsequent proceedings when on the high seas? It was not till the *Alabama* reached the Azores that she received her stores, her captain, or her papers, and that she hoisted the confederate flag. It is not true that she departed from the shores of this country as a ship armed for war.”

I do not, said Sir Hugh Cairns, understand language if that does not mean that the point in the case with regard to the *Alabama* was this: that although there might have been evidence (perhaps not conclusive, but still evidence enough to launch a case) as to the intent with which she left our shores, still there was that wanting which bore upon the other, and equally essential, part of the case. She did not leave our shores as an armed vessel; and more than that, she did not receive anything which could be called warlike equipment until she had reached the Azores. But, my lords, the matter regards a subject of history with reference to the *Alabama* which is made plainer still, because after this statement of the course pursued with regard to the *Alabama* was made, and before the seizure of the *Alexandra* took place, and when certainly the public mind was anxious to know what was the line of duty which subjects of this country should pursue upon matters of this sort, I find that this statement was also made with regard to the *Alabama*. The prime minister, a fortnight after the statement which I have already read, said this—I refer to the 170th volume of the *Parliamentary Debates*, and to the debates of the 27th of March, 1863: “I have myself great doubts whether if we had seized the *Alabama* we should not have been liable to considerable damages. It is generally known that she sailed from this country unarmed and not properly fitted out for war, and that she received her armament, equipment,

and crew in a foreign port. Therefore, whatever suspicions we may have had, (and they were well founded, as it afterwards turned out,) as to the intended destination of the vessel, her condition at that time would not have justified a seizure." Now, the distinction is as clearly drawn as words can draw it between the intended destination, as to which there might be some suspicion, which would be matter of evidence, and that which was a fact *patens ad oculos*, namely, the condition of the ship; and here is a statement, made by those who had considered the authority of an act of Parliament of this kind, that a ship not fitted out with a warlike equipment when she leaves this country, whatever our suspicions may be with respect to her destination, cannot be made the subject of seizure, because her condition is not such as is pointed at by the act of Parliament. My lords, I cannot help taking notice here of a statement made when the rule was being moved for by the attorney general. It was my learned friend who referred to the case of the *Alabama* in this discussion. My learned friend said, according to the note which I have seen of the statement, that, according to his judgment, those who were engaged in the despatch of the *Alabama* from this country had rendered themselves liable to the penalties of this act of Parliament.

The attorney general. I said so in the speech from which you have been reading.

Sir Hugh Cairns, in substance, said when the evidence was completed it was laid before the learned gentleman, who thought there was a sufficient case to warrant her detention. What that evidence was he (Sir H. Cairns) did not know. He had a statement with regard to the condition of the ship when she left this country, and there was no case, in his opinion, to warrant her detention. A distinction was drawn by the attorney general between what he called her structure and things superadded to it. The learned counsel then went through the evidence of Mr. Morgan, by whom the *Alexandra* was seized, and the evidence of Black, who said the ship's frame was of British oak, and her planking of teak, and who spoke generally of the very strong manner in which she was built, her upper decks being pitched pine, and the ship, in his opinion, being only suited for war purposes. Mr. Green was the next witness upon whose evidence he commented, and he said that ships were not built so well now as they were twenty years ago. He said the rudder of the *Alexandra* was stronger than would have been used in merchant vessels. Carter was the next witness whose evidence was dealt with. Hodgson was the next witness. Sir Hugh continued, observing that there was not a scrap of evidence that the guns were intended for the *Alexandra*. As to guns intended to be put on board the *Alexandra*, the attorney general, at the time, opened his case as to this by stating that there were one large and two small pivot guns being constructed in the foundry of the defendants for the purpose of being placed in and forming part of the armament of the *Alexandra*. Sir Hugh then read and commented upon the evidence of the three witnesses called on this point, and contended that there was not a scintilla of evidence that these guns were intended for the *Alexandra*. They were being made, no doubt, at the same time with the ship, but there was no evidence to connect them with the ship. On the question of equipping or armament, the structure of the hull is unimportant, being in no sense equipment. Machinery and stanchions for hammock nettings were also matters of structure. These things were on board, but were not fittings of any kind, but part of the ship. Stanchions for hammock nettings are original inventions, applicable to be used in all kinds of ships—useful, no doubt, to resist musketry, but also useful for the stowage and airing of hammocks. All these things, therefore, may be and are essential parts of the ship as a ship, and not in any sense warlike equipments.

To Baron Bramwell's question as to whether he meant to contend there was no evidence whatever, he explained that he did not contend, and had no occasion

to contend, that there was no evidence whatever, and that the case should not have been left to the jury; but there was no evidence on which a new trial ought to be granted as for a verdict against the weight of evidence; that the case had been left to the jury, and they had found for the defendants.

It was suggested by Baron Bramwell, interrogatively, that the defendants might have been called as witnesses; he remarking, at the same time, that if they could have been called, slight evidence, unanswered by them, might have had great weight with the jury.

The attorney general here expressed his opinion that the defendants could have been called as witnesses, and some time was occupied by the court looking into the cases and authorities on this subject. The case of "*The Attorney General vs. Radlock*" (10 Exch.) was referred to, and it was mentioned that the view of the law taken in that case by the lord chief baron and Baron Parke had been since adopted by the legislature and passed into law, rendering defendants admissible witnesses in certain revenue cases; and the question arose, on this last statute, whether the proceedings under the foreign enlistment act came within it. The court did not finally decide the point, but appeared to think that the course taken at the trial did not strictly put the defendants' counsel to the alternative of calling his witnesses. Baron Bramwell observed that he thought, on the part of people holding the position of British merchants, if they believed what they did to be within the pale of the law, the more manly course would have been to have come forward and state what they actually did, and stand upon their legal right to it.

The argument was then resumed by Sir Hugh Cairns as to the guns to be put on board. He referred to the opening by the attorney general at the trial, in which he admitted the inability of the crown to connect the guns assumed to be for the *Alexandra* with the defendants' yard. It was proved that there had been drawings made for the defendants, by their directions, of certain guns and gun carriages, and notice to produce the drawings had been given by the crown; but an objection having been taken to it by the defendants' counsel, the learned judge decided that the notice was informal, and therefore the defendants were not bound to produce the drawings. Sir Hugh Cairns said that he had now concluded his argument on that part of the case which dealt with the condition of the ship, and he would now go into the question of the evidence relied upon by the crown—that part relating to the intent, the act of Parliament requiring not only an equipment, but that it should be done with an intent to commit hostilities. Was there any reason, continued Sir H. Cairns, after the confession of the attorney general himself that the crown had failed to trace the connexion between the guns in the defendants' manufactory and the *Alexandra*, was there any necessity whatever for those against whom the accusation was brought to offer themselves to be examined on the subject? I think, after the fair admission made by the late attorney general, (and everything he said was most fair,) I may consider the count relating to the guns as struck out of the information. Now reverting to the question of intent. The act requires not only an equipment, fitting, furnishing, and arming, but that all or one should be done with the intent that the ship should be employed by one belligerent power to cruise and commit hostilities upon the other. If my view upon the first part of the case be correct, viz., that there must be an equipment or an attempt to equip at a certain time, the question is immaterial. Then the secondary question, viz., the use that was to be made of the ship, as between one belligerent and another, would, of course, become utterly immaterial. It is only on the supposition that the ship was in a condition to comply with the earlier part of the clause that we have to approach and consider the second question. With regard to the species of intent composing a case like the present, the case of "*The United States vs. Quincey*" is an authority. The court thought in that case that instructions ought to be given to the jury that the offence consisted principally

in the intention with which the preparations were made, and they must be made, according to the act, within the limits of the United States, and that the intention, which must be a fixed one, not conditional or contingent, should be formed before she left the United States. The intention belongs exclusively to the jury to decide. It was the material point, on which the legality or criminality must turn, decided, whether the adventure was of a commercial or warlike character. Now, said Sir Hugh, I will show the view taken of the intent in the present case by the attorney general at the trial. He said the intent must be the intent of one or more, having at the time the means and opportunity of forwarding or furthering such intention by acts. By intent undoubtedly the act means practical intent. It was for the crown to make out their case. We maintained at the trial that the evidence did not support their case. We challenged the credit and credibility of the witnesses examined at the trial, and we had good cause for doing so. The learned counsel went through the evidence generally in the whole case, arguing that it had failed in every particular.

Baron Bramwell asked if Sir Hugh was contending that there was no sufficient evidence that the vessel was intended for the Confederate States at all, armed or unarmed.

Sir Hugh Cairns said that he was contending that the verdict was not against evidence, supposing the verdict to have proceeded upon that ground.

Baron Bramwell said, Suppose the jury had thought in their own minds that they thought she was meant to be armed or equipped for warlike purposes, but were not satisfied that she was intended for the confederates; would the learned counsel hold that that would not have been a verdict against evidence?

Sir H. Cairns said, Yes, certainly, they could not tell what was passing in the mind of the jury. They might have determined either or both those things in favor of the claimants; but the claimants were challenged by this rule virtually to meet the crown on both parts of the case.

Baron Pigott said, We understand you are contending that there was evidence that justified the verdict in either view of your argument as to the meaning of the 7th section of the act.

Sir Hugh Cairns. Quite so, my lord.

The lord chief baron. The question I put to the jury was this: Do you believe that there was any intention of doing the act quite apart from the intent; was there an intention to do that, a commencement of that, which would be either a fitting, or furnishing, or arming of the ship, no matter with what intent, to go against anybody; would it be in that condition so as to be within the meaning of the words; would it be equipped, or furnished, or fitted out, or armed? because if it were so, it is a matter of perfect indifference whether it was for the Confederate States or not.

Sir H. Cairns said, Quite so. The trial has been conducted upon the assumption that we might succeed on both parts of the case. Sir H. Cairns then went at some length into evidence given by the several witnesses at the trial, as well as into the character of the evidence itself, contending that the major part of the evidence was extremely unsatisfactory, and that under any circumstances it could not have justified the jury in finding for the crown. It was for the crown, in a case of forfeiture, or in a case of an offence, to prove their case with a reasonable certainty; and if the verdict had been different from what it was, the defendants would have had good cause to complain. The question of intent was one for the jury, and if they arrive at the conclusion that the intent had not been made out, then they were clearly warranted in arriving at the conclusion they had. I now come to the last point in the case, and that is the direction which was understood to come from the lord chief baron, and to apply that direction to the law and facts I have mentioned. I have had an opportunity of reading the short-hand writer's notes in two different editions, and I may say of the charge of the learned judge that the propositions deducible from it would

carry to the mind of the jury a sufficient and reasonably proper explanation of the law of the subject as applicable to the case. The propositions I deduce are four in number, though they go to make up one general view of the case. One is, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although easily convertible into a vessel of war; but I am speaking now irrespectively of the question whether it was intended to sell a ship as an article of merchandise or not. I understood the charge to go to this, that the building of a ship is distinct from equipping her, &c., although she might be easily convertible into a ship-of-war. The lord chief baron said that it was as plain as possible that you must give some effect to the omission of the word "build," or it would have been said you shall not build. The second proposition he conceived to be laid down was that the *Alexandra* was not armed, and that it was for the jury to say whether she was equipped, &c., or intended so to be, within the Queen's dominions. The third proposition which I recollect was that the equipment, &c., must be of a warlike character; and the fourth, that it was for the jury to say whether they considered there was any intention to employ the ship to cruise and commit hostilities at all. Sir H. Cairns then called the attention of the court to several passages of the lord chief baron's summing up. It was perfectly apparent, said Sir Hugh, that no person could contend for a moment that the jury could have misunderstood the matter, that where the judge spoke of the building of ships as not being prohibited he meant to refer to the building of ships as distinguished from what might be meant by those other words, equipment, &c. Upon the second point that was presented to the jury the learned judge said the offence against which the information is directed is the equipping, fitting out, furnishing, and arming. He had looked in *Webster's American Dictionary*, and found that to equip was to furnish with arms. In the case of a ship, especially, it was to furnish and complete with arms. Furnish was given as the same thing with equip. To fit out was to furnish and supply; and the judge owned that in his opinion equip, fit out, furnish, or arm, all mean precisely the same thing.

The remarks of the learned counsel upon the summing up and the effect of it run to a considerable length, and we shall give it to-morrow, together with Mr. Karlake's argument, who was addressing the court, and had not concluded his argument when the court rose.

COURT OF EXCHEQUER, November 19, 1863.

The attorney general, the solicitor general, the Queen's advocate, and Mr. Thomas Jones, appeared for the crown; Sir Hugh Cairns, Mr. Karlake, Q. C., Mr. Mellish, Q. C., and Mr. Kemplay, appeared for the defendants.

We continue our report of the arguments in this case from where it finished yesterday. Sir Hugh Cairns having gone most carefully and at considerable length through the whole case, said that he should finish by touching upon the point relating to the direction which was understood to have come from the lord chief baron, and submit the propositions which he understood were deducible from the charge. The first was, that to build a ship, as distinguished from equipping, fitting out, furnishing, and arming her, is not an offence within the act of Parliament, even although the ship so built might be easily convertible into a ship-of-war. 2. That the *Alexandra* clearly was not armed, and that it was for the jury to say whether she was equipped, fitted out, or furnished, or intended to be so, within her Majesty's dominions. 3. That the equipment, furnishing, or fitting out must be of a warlike nature. 4. That it was for the jury to say whether they considered that there was any intention of employing the ship to cruise and commit hostilities at all. Sir Hugh said that he did not mean to say that these propositions had been absolutely laid

down by the learned lord chief baron, but they were those which he thought fairly deducible from the charge to the jury; and, if he were right in his deductions, the court would then probably be of opinion that the propositions would carry to the mind of the jury a sufficient and reasonably proper explanation of the law on the subject as applicable to the case before them. With regard, first, to the fourth proposition, Sir Hugh said it seemed to him that if any person had a right to complain of it it was the defendants, for they might complain that it was a proposition quite unnecessary, and was putting the case in an unfavorable way for them. The proposition might have been limited to this, to say whether there was an intent to employ her to cruise and commit hostilities on the part of one belligerent against the other belligerent. Sir Hugh Cairns continued: Allow me first to refer in support of the first proposition. After referring to certain authorities—Justice Story and Mr. Chancellor Kent—his lordship says in his charge:

“These gentlemen are authorities which show that where two belligerents are carrying on war the subject of a neutral power may supply to either, without any breach of international law, and certainly without any breach of the foreign enlistment act, (and it does not say a word about it,) all the munitions of war, gunpowder, every description of fire-arms, cannon, every kind of weapon—in short, whatever can be used in war for the destruction of human beings who are contending together in this way. But, gentlemen, why should ships be an exception? In my opinion, in point of law they are not. Presently I shall have to put to you the question of fact about the *Alexandra*, which you will have to decide. The foreign enlistment act it is now necessary for me to advert to, in order to tell you what is the construction which I put on the 7th section, which alone we have to do with on the present occasion.”

It is clear that his lordship speaks of ships being built, as distinguished from whatever might be meant by equipping, furnishing, fitting out, and arming. His lordship says in another part of his charge, which I will read to you:

“Now, with respect to the question of building, it is certainly remarkable that there is not a word said about it. It is not said that you may not build ships for the belligerent power. There is nothing suggested of the kind, and clearly, by the common law and by the passages I have read to you, surely, if from Birmingham either state may get any quantity of destructive instruments of war, and if from the various parts of the kingdom where gunpowder is made they can obtain any quantity of that destructive material, why should they not get ships? Why should ships alone be contraband—that is to say, forbidden by the statute?”

The jury could not have misunderstood this. Where my lord speaks of the building of ships as not being prohibited, he means to refer to the building of ships as distinguished from what might be meant by those other words “equip,” &c. As to the second point, I will go to the view presented to the jury about the *Alexandra*, and her condition with reference to the 7th section. The reports do not quite agree; there is a slight inaccuracy in a part of a passage which may affect the whole, and I will call attention to it at a proper time. His lordship, after remarking that he had looked into Webster’s American Dictionary, a work of great learning, research, and ability, said:

“It appears that to equip is to furnish with arms. In the case of a ship, especially, it is to furnish and complete with arms; that is what is meant by equipping. ‘Furnish’ is given in every dictionary as the same thing as ‘equip.’ To fit out is to furnish and supply—as to fit out a privateer; and I own that my opinion is that equip, furnish, fit out, or arm, all mean precisely the same thing.”

There cannot be the slightest doubt that in one sense those four words do mean the same thing; that is, no person could doubt for a moment that to equip would include all equipments, and also that equipments would be a *nomen*

generale. Of course "arm" would be included in the term "equip," &c. Then the learned judge says :

"I do not mean to say that it is absolutely necessary, (and I think the attorney general is right in that;) it is not, perhaps, necessary that the vessel should be armed at all points."

Now, with regard to that, I cannot help thinking that there is a slight inaccuracy in the report, because our report differs from it. The lord chief baron is made to say :

"I do not mean to say that it is absolutely necessary, and I think the learned attorney general is right in that."

Now, that is one sentence. It goes on :

"It is not, perhaps, necessary that the vessel should be armed at all points, although it may be that the case cited from 6 *Peters's Reports* by the Attorney General, somewhat late, in the day, is a case where the jury actually found that the vessel was fitted out."

Now we find immediately afterwards that the learned judge takes distinct note that the *Alexandra* was not armed at all, but still this was a question to be submitted to the jury, notwithstanding that it seems to me perfectly obvious that just a word or two has dropped out from the sentence. It is reasonably clear that he must have said this :

"I do not mean to say that it is absolutely necessary that she should be armed, and I think the attorney general is right in that, and it is not necessary that she should be armed at all points."

Because, otherwise, there would have been an end of the case. There would be nothing to go or to leave to the jury if his lordship had meant to say, "It is not necessary that she should be armed at all points," implying that it is necessary that she should be armed at all points.

Baron Bramwell. That would probably not be agreed to by the other side for this reason—that if there was an intention to arm, and they were preparing the ship to receive arms, that would be enough.

Sir Hugh Cairns. You must bear in mind the statement of the attorney general in reply; he had conceded—I may say literally *in verbis*—conceded the question of any intention to arm.

The attorney general. I distinctly differ from my learned friend.

Sir Hugh Cairns. I expect that my learned friend will "distinctly differ" with everything he has heard from beginning to end. I say that the lord chief baron in leaving this question to the jury—"Was there an intention that she should be furnished, or fitted out, or equipped at Liverpool?"—it being admitted that the information did not charge arming, left exactly the question which under the act of Parliament ought to have been left to them. Now, as to the character of the equipment which must be on board, to which throughout the whole of his charge his lordship must have been taken to have been pointing, your lordships will find in another part of his charge these words :

"Now, gentlemen, the question that I shall propose to you is this—whether you think that this vessel was merely in the course of building for the purpose of being delivered, in pursuance of a contract which I own I think was perfectly lawful, or, whether there was any intention that in the port of Liverpool or any other English port (and there certainly is no evidence of any other) the vessel should be equipped, fitted out, and furnished, or armed, for the purpose of aggression? That is the question."

Now, my lords, lower down you will find, after speaking of Captain Inglefield's evidence :

"In short, what he makes out is that she might have been built as a vessel capable of being convertible into a war vessel. But the question is, was there any intention that in the port of Liverpool, or any other port, she should be, in

the language of the act of Parliament, either equipped, finished, fitted out, or armed with the intention of taking part in any contest?"

Now, we might have demurred to this proposition, but not so the crown. If she had not been armed, equipped, furnished, or fitted out with the intention of taking part in any contest *a multo futuro*, she could not have these things done to her with the intention of being employed in the service of the confederates, to cruise and commit hostilities against the United States of America. I submit that the charge, looked at in the way that I have ventured to put it, will in substance be found to have directed the attention of the jury to everything which ought to have been laid before them as a matter of law as well as on the issue of fact to be decided between the parties. I submit with confidence that on the evidence it is utterly impossible to say that a jury was not warranted in coming, on the facts, to the conclusion that they had done. The evidence for the crown failed to prove the charge made. If the law is as the crown allege it to be, I say it is impossible to suppose—carrying in mind the fact that seventy years have passed since the passing of the American act, and forty years gone since our own was enacted—that cases would not have occurred again and again when seizures and forfeitures would have been made under the penalties of this act. I say the case they are bringing forward is against the history of legislation on the subject; it is against the true and sound construction of the municipal act of Parliament on the subject; it is against the declarations which have been made by every one who had a right to control the movement of the crown, or to direct or advise the movements of the crown, in putting this act into execution from the time the act first attracted public attention, and I trust that your lordships will think that the litigation we have had in this case is enough; that full, perfect, and complete justice has been done between the crown and these claimants on a statute of this kind; and I trust that your lordships will think that there should be no further litigation in this case.

Mr. Karslake, Q. C., followed on the same side. He said it would be convenient to follow the course of his learned friend, Sir Hugh Cairns, and in the first place consider what the construction of the language of the statute was upon which the information had been filed, what the evidence had been in the case, and what the charge of the lord chief baron to the jury was, and what was now complained of. The motion of the learned attorney general upon which the rule was granted was rather directed to this—that the verdict was against evidence as the case was left to the jury, and according to the lord chief baron's view of the law; but, assuming his lordships' ruling to be wrong, that the evidence would have supported the verdict had it been for the crown. The question would therefore substantially resolve itself upon that part of the case into this: whether there had been a misdirection on the part of the learned judge.

The attorney general said that his learned friend must not forget that he (the attorney general) took a certain view which might possibly turn out not to be correct; and supposing that view was not correct, then he adhered to his motion on the ground of its being against evidence.

Mr. Karslake. We have the information that my friend, in some view or other, considers that the verdict was not warranted by the evidence given in the case, and upon that ground he asks for a new trial—that is, that the verdict was against evidence; and he also says that there has been a misdirection by the learned judge, and he is allowed to adopt a course which is not allowed to be adopted generally by other litigants in this court, viz: to state generally that there has been misdirection, and by-and-by to contend that there has been misdirection without informing his opponent what the misdirection is. Mr. Karslake stated that as the full history of that which led to the passing of this statute had been gone into so fully by Sir Hugh Cairns, he would trouble the court

very little further upon it, but he would call attention to an authority which was earlier than that even of 1793, and which would be found in Fortesque's Reports, page 338, curiously enough, under a discussion by the judges as to the precedents of the judges—the *dictum* as to what had been the advice given by the judges in the house of lords as to the right of building ships-of-war for foreigners in this country, and it appeared to him extremely important for the purpose of ascertaining what was declared as long ago as 1713, and again in 1721, to be the opinion of the judges as to the right of fitting out warlike ships for warlike purposes in this country. The following passage occurred:

“In Michaelmas vacation, 1721, the judges were ordered to attend the house of lords concerning the building of ships-of-force for foreigners; and the question the lords asked the judges was whether, by law, his Majesty had a power to prohibit the building of ships-of-war or of great force for foreigners in any of his Majesty's dominions; and the judges were all of opinion, except Baron Montague, (Chief Justice Pratt delivered the opinion,) that the King had no power to prohibit the same, and declared that Montague had said that he had formed no opinion thereon. This question was asked on occasion of ships built and sold to the Czar being complained of by the minister of Sweden. Trevor and Parker gave the same opinion in 1713.”

There (said Mr. Karslake) your lordships have an opinion given by the judges that the crown could not interfere to prevent ships-of-force being fitted out with warlike equipments in this country for foreigners—at all events in the years 1713 and 1721.

The lord chief baron stated that the last time the judges were assembled in that general way to have a question put to them, without hearing any argument on either side, Mr Justice Maule refused to give any opinion at all, saying that unless the matter was argued before him, so that he might know what was to be said on one side or the other, he should decline giving an opinion. The question, perhaps, was never argued.

Mr. Karslake. Very possibly.

Baron Bramwell. We are summoned by our writs to advise the house.

Mr. Karslake. I believe at the time it was the common practice for the judges to give information to the crown when asked.

The lord chief baron. Not only in the house of lords, but it was not an uncommon thing, you will find, for the judges to be assembled for the purpose of giving an extra-judicial opinion. They were assembled once upon the question of the right of the sovereign to control the whole of the royal family, and as to giving him, during the lifetime of the Prince of Wales, a control over the Prince of Wales. He was considered to be the father of the royal family. The judges, certainly not in the house of lords, but in Serjeant's inn, were assembled and gave an opinion, and they have been in the habit of doing it on other state occasions.

Mr. Karslake. I only cited that opinion to show what might be considered to be the law here previous to the passing of the act of Congress. After the learned counsel had gone largely into the reasons of both countries, America and Great Britain, for enacting acts to prohibit the enlisting of their respective subjects in foreign armies, &c., and followed, of necessity, very much upon the arguments of Sir Hugh Cairns, he proceeded: I will assume, then, that supposing the hull of a vessel, which is capable of being used for warlike purposes after it had been equipped and fitted out, is sent from this country for the purpose of being used for those purposes, but is towed away as a mere hull, inasmuch as there is no prohibition of such an act to be found in this statute, that act itself will be legal, and I say that because it is necessary there should be something more than a vessel which is to be forfeited. It must be a vessel in a particular state and stage of completeness—that is, not simply in the state of a hull, but a vessel furnished, equipped, fitted out, or armed—which is to be the

subject of forfeiture under the 7th section. If a shipbuilder has a right in common (and I venture to think he has) with other merchants in this country to supply contraband up to a certain point, the question is, where your lordships will draw the line, and whether your lordships are to give the extremely liberal construction which the attorney general claims for this statute, or whether the more limited construction which we seek to put upon it is the construction to be placed upon the terms of the act. It is rather, under the circumstances, for your lordships to put a limited than an extended construction upon the act, making every vessel built under circumstances of suspicion liable to the forfeiture which is claimed by the crown. Now, I understand my friend on the other side to say, once let a vessel in common parlance become a ship, add to that vessel the stanchion of a hammock netting, she is then equipped sufficiently for the purpose of this statute, provided that you find that that equipment is with the intent charged by the statute.

Baron Bramwell. That if you get clearly to the intent that gives the equipment.

Baron Pigott. First the act and then the intent.

Mr. Karlake. Or it may be simply the intent and then the act, for it is immaterial which you take first, according to the facts of this case that it refers to. After going into an argument upon the construction of the statute, &c., Mr. Karlake said: I want to impress upon the court, that on the part of the person who is the owner or controller, for the time being, of the vessel, there must be that fixed intention which is mentioned in the case of the "*United States vs. Quincey*," and that you must ascertain who is the person who has that fixed intention, before you can claim the forfeiture of that vessel. It will be extremely material to bear that in mind, as in this case there are twenty or thirty persons charged with having said this or that about the vessel, the attorney general saying, "They were all engaged together; therefore you must assume the intent to be what we alleged it to be."

Baron Bramwell said that surely the crown had a right to say, "If we cannot make good our right against any one we are content the ship shall be yours, but if we can show that any one has forfeited, we have a right to do so by all ordinary means in our power."

Mr. Karlake. The crown must lay hands on some particular person in whom they assume the guilty intention existed which has rendered the ship forfeiture. It is the bounden duty of those who are making out the affirmative to show that at the time when the forfeiture was incurred there were some particular persons who were acting in some way or other against the section of the statute. In order to ascertain the intent, or whether it existed, the first inquiry to be made was, who was the person who was capable of intending at the time of the forfeiture within the meaning of the authorities? Mr. Karlake then went into the meaning to be attached to the words "equip, furnish, fit out, or arm." He asked the court to accept the construction put upon the section by Sir Hugh Cairns. The learned counsel finished his argument by urging that the direction given by the learned lord chief baron was a right view of the statute; that the verdict was right, and the jury could not have arrived at any other conclusion than they had; and that the verdict, for all the reasons that had been brought forward, ought not to be disturbed.

Mr. Mellish, Q. C., followed on the same side. After some introductory observations, he stated that he ventured to go to the extent of saying that it would be perfectly legal, under the act, for any shipbuilder to build a ship in this country, well knowing it was adapted for warlike purposes, under a contract with one of two belligerents, to equip that ship so far as it was necessary to enable it to sail away from this country, and to deliver it to the belligerent, either here or elsewhere, in an unarmed state. The building of a vessel was not forbidden by the statute; and that being so, the question was this: Was it the intention of the legislature, though it did not forbid the building of a ship in express and

direct terms, to make it by implication unlawful? Obviously it was impossible to build a ship or sell a ship adapted for war to one of two belligerents, unless they allowed the builder to sell it in such a state as would enable it to sail away. To say to the shipbuilders of this country, "You may sell ships to one of the two belligerents as much as you please, but you must not put anything on board which will enable them to sail away," was a manifest absurdity. If it was the object of the legislature to prevent any belligerent providing himself with ships from the ports of this country, it seemed extraordinary that they did not, in plain terms, say, "You shall not be allowed to build a ship for one of two belligerents, nor sell it to him."

Mr. Kemplay then argued upon the construction of the statute, saying that after the very elaborate manner in which all the facts had been gone through by his learned friends, it would be unnecessary for him to approach them at all, but he would satisfy himself by making a few remarks upon what appeared to him to be the true construction to be put upon the statute.

Cause having been now shown against the rule, the attorney general commenced his argument in support of the rule, and had not concluded when the court rose.

Mr. Seward to Mr. Adams.

No. 763.]

DEPARTMENT OF STATE,

Washington, November 20, 1863.

SIR: Your despatch of November 6 (No. 532) has been received. It informs me of the proceedings which have recently taken place in the case of the *Alexandra*, before the court of exchequer.

It is an occasion of sincere satisfaction to find that the interpretation which was given to municipal and international laws on the former trial of the case is deemed to require judicial reconsideration. If that interpretation should be left to guide the courts in Great Britain and her American provinces, and should further come to be accepted as a guide to the courts of the United States, then, I think no one could reasonably expect that the conflicts which would unavoidably arise between the two nations could be settled by the ordinary peaceful processes of courts or cabinets. This government knows no interest and no motive that does not prompt to the preservation of peace and friendship with Great Britain.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 764.]

DEPARTMENT OF STATE,

Washington, November 21, 1863.

SIR: Your despatch of November 6 (No. 531) has been received. I have read with admiration the reply of the clergy of Scotland to the insurrectionary ministers of America. It is written in the true spirit of the church universal in the period of its purest administration.

In the beginning of the civil war we determined that it should be not the government, but the insurgents, that should carry their cause before foreign nations, if such a scandal must come. We did not doubt that our position would be all the more promptly and successfully vindicated, by thus waiting for the

inevitable assault from foreign enemies instigated by domestic emissaries; while at the same time we maintained the national dignity and sovereignty against foreign interference, without concession or compromise.

It must be pleasant for you, as it is for the President, to observe in such proceedings as that of the Scottish clergy, the thick crowning evidences of the correctness of this course of administration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 765.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of the 4th of November (No. 529) is received, and the note which you addressed to Earl Russell on the 3d of November, a copy of which you have annexed, is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 766.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: Your despatch of November 5 (No. 530) has been received, together with its enclosures, which relate chiefly to the depredations committed by the pirate Alabama near to the cape of Good Hope. The despatch also alludes to the complaint of our consul at that port concerning the Tuscaloosa, while it advises us of your having submitted to Earl Russell the claims for indemnity for precedent depredations committed by the Alabama.

The latter proceeding is approved. Earl Russell having now authorized Lord Lyons to confer with me concerning transactions which occurred at the cape of Good Hope, I shall reserve the whole of this subject for discussion in that conference.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 767.]

DEPARTMENT OF STATE,
Washington, November 23, 1863.

SIR: I transmit the originals of certain recently intercepted insurgent correspondence which have been published in the newspapers. It has occurred to the Secretary of the Navy that they might be useful to you for judicial or diplomatic purposes, and perhaps for both. If he should be mistaken in this, you may return them, in order that they may be restored to the file.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES F. ADAMS, Esq., &c., &c., &c.

The subjoined intercepted correspondence was washed ashore in the mail-bag which was thrown overboard from the R. E. Lee during the late capture of that vessel (with two others) off Wilmington :

LETTER FROM EDWIN DE LEON TO THE REBEL SECRETARY OF STATE.

PARIS, *September 30, 1863.*

SIR : Your despatch No. 3, of 15th August last, was delivered to me by Dr. Charles Girard on the 16th instant, and in conformity with the instructions therein contained, I write you via Bermuda by the first post, and shall continue my communications by each successive steamer for that port.

Since your last despatch was written, you have doubtless received my Nos. 8 and 9 ; and it is scarcely necessary for me to observe that, had the views and intentions of the administration been previously confided to me, the strength of my language on one measure of policy, since adopted, would have been greatly modified, however unchanged my private opinion might have remained.

The withdrawal of Mr. Mason from London has had the good effect of reviving an interest in the southern question, and awakening the public in England from their dream of continued non-intervention. From all sources of information in my power, and from the expressed views of intelligent English friends, I am led to believe that the public feeling in England finds true expression in the editorials from the *Times* of 25th and 27th, which is herewith enclosed. The greatest recoil of the measure has been against Lord John Russell personally. His speech, apologetic and vindicatory of his course, is the reply to your challenge, and it proves that he will persist in his policy to "the bitter end," and is even ready to overstep the law in order to avoid offence to the Washington government. The delivery of this speech is too recent to permit me to inform you of English sentiment in relation to it. The commentary of the *Times* will show that even that obsequious echo of the ministry does not accept and reiterate Lord Russell's views without a protest, and, should he venture to carry into execution the threats he has made of violating the law and asking a bill of indemnity from Parliament, the experiment may cost him his place, the sympathy of the British people for us growing stronger every day, and in the same ratio as their antipathy for the Yankees. To foster and increase these favorable dispositions, I have caused various publications to be made in England on the topics of cotton, slavery, the oath of allegiance, federal fabrications, and kept up a running fire through the English press. Some of these publications shall be sent you by the first opportunity which presents for sending packages.

After the disposal of the Roebuck motion, the rapid increase of federal recruitment in Ireland attracted much attention, and I deemed it advisable to visit that country to see if anything could be done to check it. During three weeks' residence, chiefly in Dublin, with a visit to Belfast in the north of Ireland, I succeeded in unmasking and exposing the enemy's battery, and enlisted the aid of some powerful auxiliaries in the press and the pulpit to stop this cruel and cowardly crimping of recruits, under pretext of employment on northern railways. Many knew the real nature of the services required of them, but many more were entrapped by promises of high wages, their contracts containing a clause that they would take the preliminary "oath of renunciation" on their arrival in America. This, at once, would make them subject to the draft. Another drag put upon them was the exhortation to the women to accompany their husbands, as the promised wages were so high—so that the Yankees now get a good deal of dross with their good metal. The number of actual recruits thus obtained from Ireland for the past year, up to August, cannot have exceeded 20,000 able-bodied men, but has probably reached that figure. When

the harvest time is over, the Yankees hope to make a grand haul, but we hope their nets will not hold. The men of intelligence, who see the drain thus made of the very bone and sinew of the country, resist it from policy and from patriotism. The priests, who are generally conscientious and earnest men, and who live on voluntary contributions of their parishioners, are also bent on arresting the exodus. The only party favorable to the Yankees is the silly and mischievous clique of demagogues who style themselves "Young Irishers," of whom General Meagher used to be one of the shining lights; and these men make themselves busy in selling their countrymen for the Yankee shambles. No step has been or will be taken by the British government to stop this wholesale deportation for two reasons:

1. From the difficulty of proof of actual enlistment; and,
2. Because of the unwillingness of Lord Russell to wound the susceptibilities of Mr. Seward, of whose conduct he "has no complaint to make."

The press, the priests, and public opinion may supply the short-comings of the government in this respect. At least the attempt is making, and shall continue to be made.

Having called (of course as a private individual) on the lord lieutenant, the Earl of Carlisle, an old acquaintance, I was most courteously and kindly received, and had a long conversation with him on this and kindred topics. Subsequently I dined with him, when we again discussed the whole matter. He admitted the existence of the evil of emigration and the powerlessness of government in the matter.

Here in France I see no change either in the attitude of the government or in the popular sentiment. In fact, until the arrival of the Florida at Brest, allusions even to the confederacy (except those supplied by our friends in the press) were becoming very rare. The Polish question and the Mexican entirely obscured ours, in which Frenchmen have really but little interest. The sympathy at first felt for the federals has been forfeited by their brutality and insolence. A kind of vague admiration for the heroism of our people has succeeded, but not lively enough to prompt any action, nor give us reasonable hopes of it.

The arrival of the Florida, and the questions which arose, excited an interest, but that too has now died away, and even the arrival of the federal vessel Kearsarge, and her admission into the same docks, have not revived it. Her visit has been important, however, in settling some vexed questions, as the enclosed extracts from the *Moniteur*, *France*, and *Pays*, will show. The extract from the latter print (which is now the organ of the minister of foreign affairs) threw a wet blanket over our too sanguine friends, who predicated French intervention on the acknowledgment of our belligerent rights by France on water as on land.

The Emperor is now at Biarritz, where every year all the world are admitted informally to the reunions of the Empress, and French royalty goes *en dishabille*. Mr. Slidell's family have passed the summer there, and he himself, for the last month, has been there. The court next week will be transferred to Compaigne, where none can go except by invitation. There the Emperor will receive the Mexican deputation after their visit to Prince Maximilian, near Trieste, and some people hope he may say something bearing on our question. I entertain no such hopes.

The withdrawal of Mr. Mason from London makes the Emperor more than ever master of the situation—the only rivalry he feared being thus withdrawn. He can amuse us with Mexican alliances in lieu of more practical intervention, in the belief that we shall continue to be very grateful for very small favors. Neither the British Parliament nor the French Chambers will meet until February next, and until then the game is entirely in his own hands, Earl Russell's

speech having relieved his mind of any change in England's inactivity. I sincerely hope that the intentions of the Emperor may be more practical, but I can only judge by the lights before me.

I remain, very respectfully,

EDWIN DE LEON.

HON. J. P. BENJAMIN,

Secretary of State, Richmond, C. S. A.

Letter from Mr. De Leon to Jeff. Davis.

PARIS, October 1, 1863.

MY DEAR SIR: You cannot possibly imagine the very great happiness which your letter gave me, both on account of the assurance of your continued friendship and of the hopeful tone which pervaded it in relation to our public affairs.

Both of these facts are fully confirmed by my friend, Dr. Girard, who speaks of your kindness to him in the most enthusiastic terms, and he has relieved my apprehensions that, like our first great leader Calhoun, your body might prove unequal to the burden your spirit imposes upon it.

For the sake of the cause, as well as for the sake of those that love you, it is essential that you should not overtask your strength, for every day has convinced me more and more that we have no Joshua to take your place, and lead us into Canaan, if that place were rendered vacant. It is useless to disguise the fact that the men around you do not inspire confidence, and that chaos would soon come were your hand withdrawn from the helm. Military ability of the highest order our revolution has produced, but of diplomatic talent it has been most singularly barren. The old men of the old *régime*, like the Bourbons, seem to "have learned nothing and forgotten nothing," and no younger ones seem springing up to supply their places. Radical democracy, which levels down instead of grading up, seems almost as strong with us as with the north, though not in such repulsive shapes, and after the war is over we shall have to fight the same old foe with a new face. I may seem to speak bitterly, but I see on this side so much pitiful self-seeking and worthless greed in the swarm of speculators and blockade-runners, and swaggering shufflers from danger, who call themselves confederates, that my soul sickens as I contemplate our future. No one can appreciate more than myself the heroic virtues of our home population, and I turn my face towards them for purer air and more hopeful presages.

As I ventured to give counsel with reference to an important public movement, I feel bound frankly to say to you what I am not warranted in embodying in a despatch, especially since being informed by Mr. B. that there were reasons and proceedings out here of which I had not been informed. In a despatch to him I therefore have only dilated upon these points by the lights before me, as there may be reasons beyond my ken.

By reference to my despatch, and my letter to yourself, it will be found that my suggestion has been treated as were the prayers of Homer's heroes by Jupiter—one-half accepted, the rest dismissed as empty air. I suggested a policy by which you would have administered a grave rebuke to Europe, and have appealed to the conscience of Europe. This, I think, would have produced a most happy effect. The isolated action which has been taken has not the same weight and gravity, and has been attributed more to personal pique against a small minister, and to impatience of recognition, than to the calm consciousness of strength, or to deliberate and settled policy.

A general measure would have sown suspicion between the two great powers. Each would have feared secret negotiations with the other. Now it is an open game, and Louis and Pam. both see each other's hands. I am not a prophet,

and may be deceived; but, as far as I know and can see, there has been, and is to-day, as little real intention of speedy recognition by France as by England.

That we may be made a pawn in the Mexican game I think very probable, but the detected intrigue in Texas (Mr. B.'s denunciation of which was intercepted and published in New York and English papers) does not inspire confidence in that very astute gentleman who is now an arbiter of southern and Mexican destinies, the retention of Mr. Mann in Belgium not being remembered by the public.

Judge Rost, who is here now, entirely concurs in my views; and he adds further, that Mr. Dayton declares he has never had any complaint from Washington regarding French intervention in Mexico. If Seward, therefore, acknowledges Maximilian's empire, the ground on which our action seems to have been predicated is cut away from under our feet. Even should S. make a protest, for he cannot meditate a war with France, we still will be held as a pawn, and have the shadow of a favor, while our enemy enjoys the substance of non-intervention.

Before this letter reaches you events will have proved their correctness or falsity; for we are groping in the dark at this moment. God grant I may be unduly suspicious and distrustful, and that we may get more substantial "aid and comfort" from Napoleon than I either hope or expect.

At the risk of being tedious I have exposed my inmost thoughts to you. What is past is irrevocable, but I feel our future is safe in your hands. I cannot volunteer any advice, now that you know my inmost ideas. I am working hard and incessantly, personally and by proxy, and am enlarging the sphere of my operations, for the exigencies of the hour demand. I abhor asking for money, but, as I do not appropriate a penny for myself, have given Mr. B. a reminder that a small sum in treasury drafts is not a Fortunatus purse, ever filling and ever full, at the expiration of eighteen months. "France wants money," literally, and not figuratively; they are a far more mercenary race than the English, and we must buy golden opinions from them, if at all. Such was the secret of Dr. Franklin's success. Mrs. De Leon was much gratified by your very kind mention and remembrance of her.

Believe me when I say she fully shares in my feelings towards yourself and Mrs. D., and heartily echoes the wish of meeting soon again and under happier auspices. As a souvenir of an old friend, I send Madam for her album the "portrait of a gentleman," as they say in exhibitions. So soon as a good one is taken of Madam, it shall also be sent.

With the warmest wishes for your health and happiness, your obliged, sincere friend,

E. DE LEON.

An agreement between certain parties to run five steamers from St. George's, Bermuda, or Nassau, to Charleston, South Carolina, or Wilmington, North Carolina.

To all to whom these presents shall come: I, William Anderson Rose, lord mayor of the city of London, do hereby certify, that on the day of the date hereof personally came and appeared before me James Taylor Soutter, the declarant named in the declaration hereunto annexed, and by solemn declaration which the said declarant then made before me in due form of law, did solemnly and sincerely declare to be true the several matters and things mentioned and contained in the said annexed declaration.

In faith and testimony whereof, I, the said lord mayor, have hereunto signed my name and caused the seal of the office of mayoralty of the said city of London to be hereunto put and affixed, and the paper writing marked "A," mentioned and referred to in and by said declaration, to be hereunto annexed. Dated in London the thirtieth day of September, in the year of our Lord one thousand eight hundred and sixty-three.

WILLIAM A. ROSE, *Mayor*.

RICHARD HAWLEY, *Deputy Registrar*.

The following is a copy of the certificate of James T. Soutter, of London:

I, James Taylor Soutter, of No. 3 Alderman's Walk, in the city of London, gentleman, do solemnly and sincerely declare that I have carefully examined the paper writing hereunto annexed and marked with the letter "A," with the original agreement, and that the same is a true and exact copy of such original agreement.

And I make this solemn declaration conscientiously, believing the same to be true and by virtue of the provisions of an act made and passed in the session of Parliament of the fifth and sixth years of the reign of his late Majesty King William the Fourth, entitled "An act to repeal an act of the present session of Parliament entitled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the State, and to subscribe declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

J. T. SOUTTER.

Subscribed and declared at the Mansion House, London, this 30th day of September, 1863.

WILLIAM A. ROSE, *Mayor*.

A.

It is agreed hereby between Colonel J. Gorgas, chief of ordnance, in behalf of the Confederate States, on the one side, and C. E. Thorburn, esquire, in behalf of himself, Messrs. Charles H. Reid & Co., and other parties, (to be named,) of London, on the other, to run five steamers, on joint account for the parties they represent, in the proportions hereinafter named, from the port of St. George's, Bermuda, or Nassau, N. P., to the confederate port of Charleston, South Carolina, or Wilmington, North Carolina, on the following terms and conditions:

1. The five steamers shall be owned in the proportion of two-thirds by the Confederate States and one-third by Messrs. Charles H. Reid & Co. and other parties.

2. The Confederate States shall pay for their two-thirds ownership in the steamers in cotton, delivered, compressed and in good shipping condition, at the port of Charleston or Wilmington, as Messrs. Charles H. Reid & Co. and other parties may direct; said cotton to be valued on the basis of sixpence (6d) per pound for "middling upland."

3. The steamers shall be sailed at the risk and expense of the joint owners in proportion to their shares, as named in condition 1st, the Confederate States beginning to bear their proportion of the risk and expense from date of receipt of notification by Major Caleb Huse, 71 Jermyn street, London, that this agreement is ratified by Messrs. Charles H. Reid & Co. and other parties.

4. The general management of the steamers shall be intrusted to Messrs. Charles H. Reid & Co. and other parties, but the Confederate States reserve to themselves the right of representing their controlling interests in all disputed questions. It is distinctly understood, also, that the steamers will be run under the general rules established by the government of the Confederate States for their own steamers engaged in the same trade.

5. The Confederate States will furnish coal and cotton at their port with all despatch for these steamers; and, for so doing a commission of $2\frac{1}{2}$ per cent. on value of their one-third at the seaport will be allowed them by Messrs. Charles H. Reid & Co. and other parties. The cotton so exported to the depots in the islands will be re-shipped there in neutral bottoms to Liverpool, and consigned to Messrs. Charles H. Reid & Co. and other parties, who will sell it for the benefit of those concerned, and place the proceeds (less the usual charges and $2\frac{1}{2}$ per cent. commission for selling) of the two-thirds share belonging to the Confederate States to the credit of the war department, with Messrs. Frazer, Trenholm & Co., of Liverpool, unless they (Messrs. Charles H. Reid & Co. and other parties) should be directed to expend it themselves in the purchase of articles needed by the government, on lists furnished them as indicated in condition sixth.

6. Two-thirds of the inward cargoes shall be purchased by Messrs. Charles H. Reid & Co. and other parties for the Confederate States, on lists furnished them for the purpose, unless the Confederate States should prefer to purchase directly through their officers abroad. In either case, Messrs. Charles H. Reid & Co. and other parties are to be allowed a commission of $2\frac{1}{2}$ per cent. on the invoice cost of the two-thirds cargo belonging to the Confederate States. These cargoes are to be sent out in neutral bottoms to the depots on the islands, and there re-shipped to run the blockade into one of the two confederate ports named, on one of the five steamers of joint ownership. In every case, where required by the agreeing parties, the cargoes from England to the islands, and from the islands to the confederate sea-port, will be apportioned out among them in the proportions of their ownership of the five steamers; that is to say, two-thirds and one-third. Whenever one party occupies the freight room of the other by consent, or because the other cannot furnish freight, from whatever cause, he shall pay for such freight room at the rate of fifty pounds sterling per ton from Europe to port of destination in the Confederate States, or of forty pounds sterling from depot in the islands to said port, or from said port to the islands.

7. As it would imperil the safety of any one of the five steamers, it is agreed that no contraband of war shall be placed upon them, except to carry between the islands and confederate port.

8. The Confederate States will furnish, as far as practicable, officers to command the steamers.

9. In consideration of the fact that the Confederate States pay for their proportion of the five steamers in cotton on this side the water, they concede to Messrs. Charles H. Reid & Co. the use of one-half of their freight room, at price herein named, on first trip of each vessel from confederate port to island depot.

10. As the Confederate States necessarily place much confidence, not only in the skill and judgment, but also in the integrity of the other parties to this agreement, pledge is hereby given on the part of each and all of them that they will not receive any profit, drawback, or return commission, in addition to what

is expressly allowed in this agreement, and that they will in no manner derive pecuniary compensation in any business arising therefrom beyond the legitimate profits of their one-third interest and specified commissions.

J. GORGAS,
Chief of Ordnance.

Approved:

J. A. SEDDON,
Secretary of War.

C. E. THORBURN.
CHARLES H. REID & CO.
THE MERCANTILE TRADING CO., (limited.)
EDGAR P. STRINGER, *Managing Director.*

LONDON, *September 23, 1863.*

Witnesses to the signatures of C. E. Thorburn, Charles H. Reid & Co., the Mercantile Trading Company, limited, and Edgar P. Stringer, managing director—

J. T. SOUTTER.
WILLIAM H. AVERELL.

LONDON, *September 30, 1863.*

We certify the above to be a true copy of the original agreement, having carefully examined the same therewith.

J. T. SOUTTER,
WILLIAM H. AVERELL,
3 Alderman's Walk, London.

Terms of agreement between Major Huse and the Mercantile Trading Company, limited.

3 ALDERMAN'S WALK, *London, July 23, 1863.*

No. 1. £150,000 advance to be made Major Huse for the purchase of goods; this amount to be extended to £300,000, but not exceeding £200,000 at any one time outstanding, except by subsequent arrangement.

No. 2 (erased.)

No. 3. The shipments to be made from this country by the company *via* Bermuda, Nassau, or Havana. If required by Major Huse, several cargoes to be delivered at Matamoras.

No. 4. That Major Huse gives his acceptance for the amount of each shipment as it takes place, with the charges added to the invoice.

No. 5. That the confederate government have two-thirds cargo space in each vessel, the company one-third each way.

No. 6. That the confederate government insure the entire ship from war risk, value declared on sailing, reducing value after four months by ten per cent. each voyage.

No. 7. That the freight be fixed at £20 per ton from England into the confederacy, payable in cotton at *5d.* per lb. sterling *f. o. b.*

No. 8. That the steamer be approved by Major Huse between the neutral port and the confederacy.

No. 9. The captains of the steamers to be approved by Major Huse; pilots to be approved by the Confederate States agents at the ports.

No. 10. That the cotton received from the Confederate States be consigned to the company's agency in Liverpool, who will, upon the payment of £20 per

ton freight, render account sales, deducting the acceptance given by Major Huse. That the company charge the usual commission, say two and one-half per cent. on the consignment.

No. 11. That the company charge twenty per cent. on the advance.

It is understood that this agreement is entered into by the Mercantile Trading Company, limited, by Edgar P. Stringer, managing director, and Major Huse in behalf of the confederate government; the further details to be arranged next week.

EDGAR P. STRINGER.
CALEB HUSE.

JULY 22, 1863.

Witness :

W. H. PRATT.

Letter from E. P. Stringer to Colonel Thorburn.

LONDON, *October 3, 1863.*

MY DEAR SIR: At your request I place before you actual offers for steamers and engines, instead of merely giving you the information, which I am desirous of placing before the confederate government navy department by your kind medium.

The builder, Mr. Ash, is a man who is extremely well up in his business, and sends the model of a steamer to the constructor of your navy, with a contract which is binding on him for three months from the 21st of October next, the time, I hope, you will reach the confederacy. If the government accept the proposition kindly, let Mr. Campbell, at Bermuda, know, and send us the arrangement you make as to the payment. If the government will hand over to Mr. Campbell half of the cost in cotton to be consigned to us, we will arrange the cash matters with the builders, so that no time is lost, and the government can take their time in paying the remainder.

I shall have to charge a commission for superintending the building, together with the small charges usual. I should fix the commission at two and a half per cent., and for this should undertake guaranteeing that the vessel is according to specification, and I would do all the work in fitting her for sea.

The constructor of the navy will have to sign the contract, keeping copy of the same.

ENGINES.

I have put the building of these on the simplest possible ground—that of a cost for the horse-power. Messrs. Stewart are very first-rate men, and their work exceedingly good, and to be trusted. The payment you can arrange in the same manner, and my charge for the superintendence. The shipment of the engines can be done *via* Bermuda, in the company's steamers, as we will give up that room to the government.

Please bear in mind the earlier the reply reaches this the better.

Believe me, yours, truly,

EDGAR P. STRINGER.

Colonel THORBURN, *present.*

Letter from E. P. Stringer to J. M. Mason.

MERCANTILE TRADING COMPANY, LIMITED,
3 Alderman's Walk, E. C., London, September 16, 1863.

DEAR SIR: In the month of July last this company entered into an agreement with Major Caleb Huse, acting in behalf of the Confederate States of America, to make certain advances of money, as will be seen by the copy of the informal preliminary agreement herewith, it being understood that Major Huse's authority to bind his government should be satisfactory to the solicitor of our company before the execution of a more formal contract by the parties. Major Huse was very anxious to send out immediately some saltpetre, and, not doubting that his powers were all right, we entered, on the very day of the signing of the contract, into the active execution of it, by advancing him £20,000 on saltpetre, to be sent to Wilmington *via* Bermuda.

Preparatory to drawing up the formal contract, we called on Major Huse to exhibit his powers that they might be laid before our solicitor, and, in reply to our request, he produced certain extracts from letters dating back as far as the spring of 1861, under which he had acted in the large operations he had hitherto conducted for account of the Confederate States government. Our solicitor did not deem these extracts of letters a sufficient authority, and directed us to ask Major Huse for additional evidence. He thought that as the Confederate government had sanctioned all his previous acts, it was fair to presume they would ratify this arrangement also, but that it was necessary to know from him whether any of these original powers were withdrawn, as we had heard of a failure of a contract made by him in France, owing to the allegation that he had not the requisite powers. To this request Major Huse replied that there had been no change in his authority to act in full for the Confederate government. Not feeling satisfied with this, and learning that he had in some way been associated with Captain W. G. Crenshaw in supplying the government, we applied to the latter gentleman for information, if he felt at liberty to grant it to us. The result was, that we learned that, by recent order of the war department, Major Huse's authority was now limited to the supply of *ordnance* stores, or, in other words, to *contraband* of war, and these to be sent forward *by government vessels*. On getting this information we declined going on with the contract until the confederate government should ratify the same. Major Huse then addressed the company a *threatening* note, stating that he had no doubt the government would take redress into their own hands, meaning, we presume, that they would not pay for the saltpetre, or would seize our ships when within their power. Our object in addressing you is to say *that we want to give the government the saltpetre* on being paid for the same the cost and such other compensation as they may deem just and right.

Very truly,

EDGAR P. STRINGER,

Managing Director.

Hon. J. M. MASON.

P. S.—The saltpetre has been stored at Bermuda, to await further instructions. If you could feel free to assure us that the Confederate government would pay for the same in any equitable way, we will gladly order it forward in our ships to Wilmington, but, having Major Huse's threat over us, we do not feel justified in sending it into Wilmington without some such assurance. We earnestly desire to give them the saltpetre, knowing that it is much wanted; but our stockholders would censure us were we to do so without having some assurance to offset the aforesaid threat of Major Huse. I trust you will be able to help us in our dilemma.

Mr. Mason's answer.

LONDON, *September 19, 1863.*

SIR: I have received your letter of the 16th instant, with its enclosure, being the memorandum of agreement between Major Huse and the Mercantile Trading Company.

I am not aware of the extent of Major Huse's authority in the matter to which your letter refers, but I know that as an officer of the government he has exercised large powers in sending forward supplies, and, in doing so, has had the sanction and approbation of the war department. Thus, in regard to the saltpetre which you state has been sent forward by your company under a contract with Major Huse, I feel fully authorized to assure you that it will be taken by the government on the terms mentioned in your letter, or on those of the contract referred to, the better to insure which I return your letter with its enclosures, as the papers to which this refers, (identified by my initials,) so that you can send them, with this letter, to the government when the saltpetre is shipped.

Very respectfully, your obedient servant,

J. M. MASON.

EDGAR P. STRINGER, Esq.

Caleb Huse to E. P. Stringer.

25 GRANDE RUE ANTENIL,
Paris, September 2, 1862.

SIR: I duly received your communication of August 28, and am this morning in receipt of a duplicate of the same.

I gather from it that you desire to base your excuse for failing to carry out your engagement with me on the fact that Mr. William G. Crenshaw has satisfied you that I had no authority to enter upon the engagement on the part of the Confederate States government. I regret that Mr. Crenshaw should have taken upon himself the responsibility of interfering with an arrangement by which the Confederate States government would, at a comparatively early day, have received most important supplies. But while I regret this interference on the part of Mr. Crenshaw, which has enabled you to advance a plausible excuse for your breach of contract, it is not to be understood that I find in it the true reason for your failure to comply with the terms of your engagement. I perceive, in your thus placing the responsibility upon Mr. Crenshaw, only an afterthought and pretext cleverly made use of. The true reason for your breaking down in the execution of this contract has been that you have been unable to obtain the money required. The capital of your company is £150,000, and you have already made use of the entire amount in the purchase of goods and steamers. You expected to obtain the money for carrying out your contract with me from Mr. De Vost, through Mr. Lang. Since the confederate reverses in July Mr. De Vost has been unwilling to part with his money on the security you could give him. I have known this all the time, and also of your efforts to procure money from other sources.

Finding yourself unable to accomplish this, at the last moment you resort to the dishonorable expedient of making use of the complaint of an unsuccessful contractor—who fancies that, in some way, I am the cause of his failure to obtain funds with which he may go on with his contract—to prove that I had no authority to enter upon this contract. You have, moreover, stated to gentlemen in no way connected with the Confederate States government that Major Huse

had endeavored to make a contract with you for the Confederate States government, for which he had no authority. This statement, if generally believed, would entirely destroy my efficiency as an agent of the Confederate States government. You hoped, by such means, to escape the odium of having entered upon an undertaking which you were unable to carry out.

If you had had the honesty to state to me the true reason for your failure, I should have regretted the fact, and perhaps would have entertained an opinion as to the propriety of your having signed a memorandum of agreement to supply me with £300,000 without having first assured yourself that you would be able to carry it out. But then the matter would have ended; you would have failed in the execution of your engagement from causes beyond your control, but you would have saved your self-respect.

When Mr. Soutter first proposed to me that I should enter into an arrangement with the Mercantile Trading Company, my reply was that I would have nothing to do with any concern in which Mr. E. P. Stringer was a principal manager. I subsequently abandoned this position, not because Mr. Stringer's character was made to appear in any more favorable light to me, but because it represented to me that such a course on my part would injure innocent persons for whom I had a high regard, who were interested in the success of the company, and particularly Mr. Soutter. I found, too, that an incorrect impression had been produced in the mind of Mr. Soutter, and of one or two distinguished persons, that my desire to injure Mr. Stringer was so great that, for the sake of gratifying it, I was willing to let pass an opportunity of making a favorable arrangement for the Confederate States government. I lost no time in correcting this impression, and entered into an arrangement finally, under which you were to supply me with £300,000. I believed that the arrangement would be carried out on the part of the company, not because I had any faith in the managing director, but because of my confidence in Mr. Soutter, a fellow co-director, who, I believed, would carefully watch the interests of the Confederate States government. My confidence in Mr. Soutter is undiminished. He enjoys a reputation that is able to bear even an association with Mr. E. P. Stringer. I ought, as I now see clearly, to have adhered to my determination, which was based on grounds which, as I intend to send a copy of this letter to Richmond, I will here state :

You had made great professions of friendship for the Confederate States, and at the same time had been perfectly unscrupulous on at least two occasions when opportunity offered for you to benefit yourself. One occasion was the purchase of the steamer Giraffe, when you caused £1,000 more to be paid for the steamer than was necessary, which thousand pounds was disposed of by you, in addition to two and a half per cent. commission upon the purchase-money, which purchase-money included the £1,000 put into your pocket. You once stated to me that this £1,000 was given to you by Mr. Collie, from whom the Giraffe was purchased. Such a statement was childish. In whatever manner the details of a transaction may be concealed, all the expense connected with the purchase of an article goes into the account of the purchaser in one way or another. You were paid a commission for purchasing the steamer. As an honorable man, you ought to have effected the purchase on the best terms possible, and charged your commission on the net amount.

On another occasion, you received from a purchaser of arms for the Confederate States government the exorbitant commission of five per cent. for introducing the party to a house from which the Confederate States government had been purchasing arms since the commencement of the war. The transaction came officially to my notice. It cannot be pretended by you that any service, whatever, was rendered for that charge. You knew, moreover, that not only would that money—about £2,000—come from the treasury of the Confederate

States government but that one hundred per cent. profit was to be paid on the face of the invoice, in which your commission appeared as an item.

I do not object to your making money in any manner allowed by your conscience and by those persons with whom you have transactions. Such transactions as the above, however, are entirely inconsistent with the position you assume to occupy, of a friend to the Confederate States government. Your well-assumed enthusiasm in the confederate cause has deceived many who, perhaps, would hardly believe the above statements unless clear evidence of their truth were furnished.

I trust it will not be necessary for me to have anything more to do with a man of whom my first unfavorable impressions were strengthened by the conversation of almost every merchant whose opinion of either W. S. Lindsay & Co. or E. P. Stringer I asked, and which have been fully confirmed by the two transactions referred to above, to say nothing of Mr. Stringer's conduct, as manager of the Mercantile Trading Company, with reference to my contract with that company.

It is proper for me to inform you that I hold the Mercantile Trading Company to the faithful execution of the agreement of its managers with me. I shall take no further steps to convince the company that I had full authority to make the contract. If the company doubts my authority, and requires the counter signature of one or all of the Confederate States commissioners to any contract I may sign, I will undertake to obtain such counter signatures.

Your obedient servant,

CALEB HUSE.

E. P. STRINGER, Esq.,

*Managing Director of the Mercantile Trading Company,
3 Alderman's Walk, London, E. C.*

Mr. Seward to Mr. Adams.

No. 768.]

DEPARTMENT OF STATE,

Washington, November 24, 1863.

SIR: Your despatch No. 527, of the 30th ultimo, which shows the manner in which you have carried into effect the instruction of this department, (No. 730,) has been received, submitted to the President, and is approved.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

No. 769.]

DEPARTMENT OF STATE,

Washington, November 28, 1863.

SIR: Desirous to inform you as fully as we are possessed ourselves of the gratifying successes which have crowned the national arms in Georgia, I cannot perform this duty in any other way so effectually as I can by giving you a copy of a graphic report which was received last night from Quartermaster General Meigs, who, being accidentally in attendance upon General Grant's army, was an eye-witness of the great transaction. You will justly expect that

this auspicious event will be followed by movements for the restoration of the civil authority in the States which have been heretofore the theatre of the civil war.

There are not wanting cheering indications that slavery will be willingly made a sacrifice by the loyal citizens of those States to regain and perpetuate the blessings of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Koerner, Marsh, and Motley.

Mr. Seward to Mr. Adams.

No. 770.]

DEPARTMENT OF STATE,

Washington, November 30, 1863.

SIR: Your despatch of the 13th of November (No. 535) has been received. The President is gratified with the reception which Earl Russell has given to my suggestions in regard to obtaining a sanction, by the Mikado, of the treaties which have been made by the western powers with the Tycoon of Japan. The latest information received from Mr. Pruyn induces a hope that the efforts of the daimios, under the Mikado's patronage, to expel foreigners from the country will not be continued.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

C. F. ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 771.]

DEPARTMENT OF STATE,

Washington, November 30, 1863.

SIR: Your interesting despatch of the 13th of November (No. 536) has been received.

Adhering to our American policy of non-interference in the affairs of other countries, I shall not engage in speculations upon the probable effects of the proposition of the Emperor of France for a European congress.

I may properly observe, however, in that connexion, that it seems as if, abroad as well as at home, the course of political ideas, which was so rudely broken by the unhappy insurrection in this country, is resuming its natural and accustomed order. European statesmen and governments must, in the main, be so far content with governing Europe as to leave to the statesmen and governments of America the responsibilities of regulating affairs on this continent. We all see clearly enough how much American affairs have been embarrassed rather than relieved by the attention they have engaged in Europe.

This return of normal ideas is very observable in this country. The efforts to substitute anarchical proceedings for the constitutional operation of the federal government have at last been submitted to the test of a popular election in the loyal States, with all the advantage to be gained by indirection of manner as well as by the discontents which a fearful civil war, so long conducted without decisive results, could afford. The result is, that the national habit of reliance upon the constitutional administration is restored, even at the cost of the social and

political changes which it is foreseen must result from the removal of the dominating institution of slavery.

So in regard to our foreign relations, the conviction has universally obtained that the true national policy is one of self-reliance and self-conduct in our domestic affairs, with absolute non-interference in those of other countries. These two important ideas are accepted with practical universality in the loyal States, while in the region covered by the insurrection they are resisted only by those who have staked their all upon the fortunes of a desperate strife.

Under these circumstances, Europe, with her attention already diverted from America, will no longer find provocation or encouragement here for a policy hostile to the settlement of our controversy upon the basis of our constitutional union. I think, moreover, that she cannot be long in discovering that, in lieu of her present partial illicit trade, with its constant annoyances, she has only to revoke her recognition of the insurgents as a belligerent to secure a return of peace, with a restoration of the commerce which prevailed before the civil war began. True there will, for a season, be a difference in the materials of exchange. But one has only to consider the immense forces of population and industry existing in the United States to become satisfied that whenever peace returns, every source of national wealth now closed will soon be made to flow even more freely under the application of labor universally free than it did before, while slavery was maintained as a part of the industrial economy of the country.

Apprehensions that the aggrandizement of the United States as a commercial power can bring any practical inconvenience or danger to European states can disturb none but visionary minds. We can never be dangerous, unless we are armed. We were never so great, and yet never so completely unarmed, as we were when this civil war broke out. We were never before so shorn of national prestige as we are now, through the operation of domestic faction; yet we have never before been so strongly armed as we are at this moment, upon land and water. If we have ever been aggressive, it was the interest of slavery that made us belligerent abroad, as it was the same interest that has now afflicted ourselves with civil war. We can be only a peaceful nation, if we are left to enjoy our independence in the way that our destiny leads us. We can only become a disturber of the world's peace by being called into the world to defend that independence.

I do not know in what way Great Britain and France may think it expedient to reverse the injurious policy they have hitherto pursued in regard to us, but I think that in order to direct their attention with more earnestness to European affairs, they must soon come to the conclusion that it is wise to remit American affairs exclusively to the government of the United States.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 777.]

DEPARTMENT OF STATE,

Washington, December 5, 1863.

SIR: Your very interesting despatch of the 19th of November (No. 537) has been received, together with the pamphlet on the foreign enlistment act of Great Britain by Mr. Gibbs, which is highly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 778.]

DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: I have to acknowledge the receipt of your despatch Nos. 538 to 541 inclusive, and to express my approval of them.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

No. 779.]

DEPARTMENT OF STATE,
Washington, December 5, 1863.

SIR: Your despatch of the 20th ultimo (No. 542) has been received. I give you my thanks for the report of the progress of the trial of the *Alexandra*, which accompanied it, and remain, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Mr. Seward to Mr. Adams.

[Circular.]

DEPARTMENT OF STATE,
Washington, December 15, 1863.

SIR: The brilliant and signal defeat of the insurgents which occurred on the 24th and 25th days of November, in front of Chattanooga, was followed by the rapid movement of re-enforcing columns of the army at that point to the support of General Burnside, at Knoxville. The siege of that town was immediately raised, and thus the great Alleghany ridge, next in military importance only to the great river channel of the west, is effectually reclaimed by the national government.

Congress assembled on the 7th instant, and the session was inaugurated on the 9th by the delivery of the President's annual message. It was well received by the national legislature, and it seems to be no less satisfactory to the loyal people of the United States. You have especial ability to judge how far the exposition of our foreign relations is truthful and accurate. It is hoped that the firmness and liberality which the President manifests will exert a good influence upon public opinion in other countries.

The confidence of our fellow-citizens in the stability of the Union, which has been rapidly reviving since the great victories of July, has been entirely restored by the expositions of our moral, material, and physical resources, which are furnished by the heads of the several departments.

Through what seems a fortunate coincidence, the insurgent chief at Richmond has put forth an explanation of the present state of the rebellion simultaneously with the publication of the message of the President of the United States. It would be difficult, I think, to decide which of the two documents, namely, that message or the appeal of the insurgent leader to his misguided faction, most clearly illustrates the absurdity of the attempt to build up an independent state on the foundation of human bondage within the existing

boundaries of this firmly established and compactly organized free American republic. European statesmen will doubtlessly collate them. I shall be surprised if that process does not result in producing a universal conviction that the American people are, and must continue henceforth to be, one indivisible nation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

CHARLES FRANCIS ADAMS, Esq., &c., &c., &c.

Same to Messrs. Dayton, Clay, Pike, and other ministers in Europe.

BRITISH LEGATION.

Mr. F. W. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 4, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 31st ultimo, submitting the copy of a memorial signed by merchants at Nassau, relative to the restrictions imposed on the trade between New York and the Bahama islands, and to state that the matter has been referred to the Secretary of the Treasury.

I have the honor to be, with high consideration, your lordship's obedient servant,

F. W. SEWARD,
Acting Secretary.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 2d instant, transmitting a copy of a despatch from the governor of the Bahama islands to her Majesty's secretary of state for the colonial department, reporting the proceedings in the case of the schooner Hanover, of Boston, captured by the insurgent privateer Retribution, and taken to Long cay, one of the Bahamas.

The bail required in the case seems surprisingly small and insignificant. This government, however, trusts that the prosecution will be conducted to a result which will vindicate the justice of the British government.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,
Washington, November 10, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 30th ultimo in relation to the requirement of bonds under the act of

Congress in ports of the United States from persons shipping goods to ports in the Bahama islands.

The President sincerely regrets that her Majesty's government still remains of the opinion that this course of proceeding, as it is explained in my former communications, contravenes the treaties between Great Britain and the United States. Her Majesty's government having brought no new facts or arguments to bear upon the case, I can only confess, on the part of this government, an inability to surrender the convictions it has heretofore expressed, and, as it thinks, conclusively maintained.

I avail myself of this opportunity to renew to your lordship the assurance of my high consideration.

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 10, 1863.

SIR: I have the honor to acknowledge the receipt of your note of the 20th ultimo on the subject of the compensation to be made in the case of the *Magicienne*.

In a note which I had the honor to address to you on the 22d of April last, respecting the capture of this vessel, I applied to the government of the United States for full compensation to the parties interested.

In answer to this application you were so good as to convey to me, in a note dated the 6th of June, a proposal that the same course should be pursued in this case as that proposed to be pursued in the case of the *Mont Blanc*.

I replied to that proposal by a note dated the 20th of June, from which the following is an extract:

“The course proposed to be taken in the case of the *Mont Blanc* is described in the note which you did me the honor to address to me on the 7th of last month, in the following terms:

“I have submitted this claim to the President, and am authorized to say that he admits that, in view of all the circumstances of the case, such compensation ought to be made. The Secretary of the Navy will, therefore, designate some person at or near Key West to confer with such person as her Majesty's authorities may appoint, to ascertain and agree upon the damages to be thus paid; and the President, upon their report, will ask an appropriation of Congress, for the discharge of the claim, at their next session.”

My note went on to say that I purposed to inform her Majesty's government that the government of the United States proposed to settle the case of the *Magicienne* on the terms specified in the foregoing extract; but that I would, before doing so, await a further communication from you, in order that I might be quite sure of representing the intentions of the United States government with perfect correctness.

In a note dated 22d June you did me the honor to state to me, in reply, that such was the true interpretation of your offer.

By your note of the 20th ultimo, to which I am now replying, I understand you to propose that the referees, whose appointment is contemplated in the preceding communications, shall meet at New York instead of at Key West.

Having consulted Mr. Edwin Gerard, who is, as you are aware, empowered to represent some of the principal parties interested, that is to say, the owners of the vessel and some of the shippers of the cargo, I have no difficulty in agreeing to this proposal. I accordingly name Mr. Edward Mortimer Archibald, her

Majesty's consul for the State of New York, as referee, and I shall be ready, on receiving your answer to this note, to instruct him to confer in the city of New York with the referee named by you, Mr. William M. Evarts, with a view to bringing the case of the *Magicienne* to a settlement on the terms specified in the notes of the 22d April and of the 6th, 20th, and 22d June, to which I have referred above.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant.

LYONS.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 11, 1863,

MY LORD: I have the honor to acknowledge the receipt of your note of yesterday, stating that you agree to the proposal made in my note of the 20th ultimo, to the effect that the persons to be appointed to confer upon the subject of indemnification in the case of the British steamer *Magicienne* would meet for that purpose at New York instead of at Key West, and informing me that you have accordingly named Mr. Edward Mortimer Archibald, her Majesty's consul for the State of New York, as referee, and that on receiving my answer to your note now before me you will be ready to instruct him to confer with Mr. William M. Evarts, the referee named on the part of this government.

In reply, I have the honor to inform your lordship that the selection of Mr. Archibald is satisfactory, and that Mr. Evarts will immediately be apprised of the fact.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 11, 1863.

MY LORD: I have the honor to acknowledge the receipt of your note of the 2d instant, in which, under the instructions of her Majesty's government, you renew their demand for adequate compensation in the case of Captain Sherwin, and to state that it will be taken into due consideration.

The certificates which accompanied your note are herewith returned to you.

I have the honor to be your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 11, 1863.

MY LORD: I have the honor to communicate a copy of a letter of the 28th ultimo, addressed to this department by the Secretary of War, and of the papers

to which it refers, relative to the case of John Harcastle, a British subject, who, unfortunately, lost his life from a persistent disregard of the rules of the Old Capitol prison, where he was confined. The impression of this department is, that the subject, as now presented, relieves this government from further just accountability.

I have the honor to be, my lord, your very obedient servant,

WILLIAM H. SEWARD.

To LORD LYONS.

Mr. Stanton to Mr. Seward.

WAR DEPARTMENT,

Washington City, October 28, 1863.

SIR: In reply to your letter of the 15th of August last, enclosing a copy of a note from Lord Lyons, in which, under instructions of his government, a representation was made concerning the circumstances attending the death of Mr. Harcastle at the Old Capitol prison, I have the honor to transmit herewith copies of a report of Brigadier General Martindale, military governor of the District of Columbia, and an accompanying statement from the superintendent of the Old Capitol prison, together with a review of the same by the judge advocate general of the army.

While this department sincerely regrets that Mr. Harcastle came to his death while in the custody of the United States military authorities, you will perceive that the facts elicited by the careful investigation which has been made do not require the admission of the grave representations which Lord Lyons was instructed to make, whether these representations affect the arrest and confinement of Mr. Harcastle in the first instance, or the subsequent lamentable affair which resulted in his death.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

Hon. WILLIAM H. SEWARD,
Secretary of State.

JUDGE ADVOCATE GENERAL'S OFFICE,

Washington, October 22, 1863.

SIR: In the case of *Harcastle*, a *British subject*, accidentally shot by a sentry while in confinement at the Carroll prison, in this city, on the 25th of May last, I have the honor to submit as follows, in response to your indorsement of reference of the 20th instant:

This case came before the War Department from the Department of State upon a communication from the British minister to Mr. Seward, of August 13 last.

In this communication Lord Lyons, after setting forth the views of her Majesty's government with regard to the original imprisonment of Harcastle, as well as the manner of his death, concludes as follows:

"The whole case leaves a very painful impression upon the minds of her Majesty's government. The liberty of a British subject was (they conceive) interfered with, without any serious cause, and in apparent breach of good faith; the representations of her Majesty's legation in his behalf did not produce his release; and in the end his life was carelessly sacrificed by the acci-

dental result of a rough and unmerciful system of prison discipline, excused on the ground of the unsuitableness and the overcrowded state of the United States military prisons."

From the various reports and papers furnished the War Department by Brigadier General Martindale, military governor of the District of Columbia, who has evidently investigated the subject with care, the causes of the confinement of Harcastle, and the facts of his death, are found to be as follows :

Harcastle was placed in confinement in the Carroll (or Old Capitol) prison on the 17th of April last. He had arrived at Port Conway, below Falmouth, with a flag of truce from the rebel army, having come from Richmond under a pass from General Winder, indorsed by General Lee. On his arrival within our lines he was forwarded in arrest by General Patrick, Provost Marshal General of the army of the Potomac, to the Provost Marshal at Washington, with the papers found upon his person, describing him as a British subject, and with a communication from General Patrick calling attention to an apparent want of genuineness in these papers tending to discredit their *bona fide* character.

It is well remarked by General Martindale "that the effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination."

It has accordingly been customary with this government to require this detention and examination, as a precaution, in the majority of cases, absolutely necessary to be taken against the designs of those classes of persons who, by the laws and customs of war, should properly be excluded from the privilege of penetrating within our territory. That the enforcement of this rule should sometimes subject neutrals to temporary inconvenience is perhaps inevitable; but it has been the purpose of this government to require this detention in those cases only when the conduct, the business, or the credentials of the party are not found to furnish a sufficient guarantee that his object in seeking to enter our lines is such as may properly be had in view by a citizen of a neutral power.

In the case of Harcastle, the facts brought to light upon his examination, (which was pending at the time of his death,) and subsequently, were such, it is believed, as to fully justify his arrest and detention, as well as the suspicion in regard to his actual character and antecedents which appear to have arisen at the time of his arrest.

It is shown that he had resided for eight years in the United States, eight months of which period had been passed by him in the southern States; that his sympathies were with the rebels; that without authority from the United States government to pass beyond our lines, he had succeeded in doing so, and had proceeded to Richmond, Charleston, and Savannah; that his profession being that of a pyrotechnist, he had visited Charleston in this capacity, and had actually rendered services as such in the construction of torpedoes for the defence of the harbor of that city. Most of these facts were made known by the prisoner himself, in statements made by him to Mr. Wood, the superintendent of the prison; but it is to be observed that these statements were made freely and voluntarily, and in a boastful manner, especially when the defences of Charleston were alluded to, the prisoner frequently vaunting their magnitude and impregnable character.

In view of these antecedents of his, and especially of the services represented by him to have been rendered the enemy in the preparation of engines of war, it is submitted that the arrest and confinement of Harcastle were fully warranted, and that his liberty as a British subject was not interfered with without cause, or in breach of that good faith which should prevail between this government and that of a neutral power. Is not his case, indeed, more truly presented, when it is said that his acts in secretly making his way across our lines

without any passport whatever, in defiance of the authority of the United States, and in subsequently giving important aid and comfort to the rebellion after having enjoyed the protection of our laws during a residence of more than seven years, were such as to oblige our government, if not to imprison him as an enemy, at least to confine his person until the most satisfactory guarantees were tendered as to his strict neutrality in the future? It can be held in no wise a violation of the flag of truce, which had procured him safe conduct beyond the rebel lines, that he was received from it, subject to the regulations of military police which had been adopted in our armies. May he not himself rather be deemed to have abused the privilege of the flag, in availing himself of the opportunity which it afforded him of reaching our lines, when, if his character and antecedents had been known, he would assuredly not have been received under it at all?

From the reports received in relation to the shooting of Harcastle, the circumstances of his death are found to be these:

The prison in which he was confined fronted directly upon a main street of Washington, and was thus so situated that communication between prisoners and persons outside could have been readily indulged in if no precautions had been taken to prevent it. That the parties in confinement should be debarred, not only from such communication, but from the view of persons passing on the street, would appear to be most desirable in a city like Washington, situated near the enemy's lines, constantly menaced by his forces, and frequented by parties in secret sympathy with the rebellion, or engaged in enterprises prohibited by the laws of war. Such parties would naturally seek to communicate, if possible, with their friends in confinement, for the purpose of advising with or assisting them, or in procuring their escape. It appears that to facilitate such intercourse the bars of the windows have in several cases been cut through; and it was to prevent this communication as effectually as possible that *screens* were erected outside the windows, rising to a height of four feet above the sills, and projecting about eighteen inches beyond them towards the street. The prisoners were forbidden to look or extend their bodies over and outside of these screens; and the guards on duty at the prison were instructed to warn prisoners making their appearance above the screens to withdraw at once, and if they persisted in disregarding this warning to fire upon them.

On the 25th of May Harcastle and a prisoner named Pleasonton were both standing inside the screen, (and therefore outside the wall of the prison,) and were leaning over the top, in full view of the street. Their appearance in this position being in direct contravention of the rules and discipline of the prison, and calculated to excite disorder on the street, they were repeatedly and in civil language admonished by the sentry, Chapman, to withdraw. Instead of so doing they remained, and commenced to argue with the sentry as to their rights.

At this juncture Mr. Wood, the superintendent, passed by, and at once called the attention of the prisoners to the impropriety of their behavior, and urged their complying with the directions of the sentry, who, as he explained to them, had no discretion but to execute the orders which had been given him by his officer. Mr. Wood added, were he in the sentry's place he should (under the circumstances of this persistent refusal to retire on the part of the prisoners) enforce his commands by firing upon them.

It is further shown that about this time the "officer of the keys," attached to the prison, went to the door of the room in which Harcastle and Pleasonton were confined, and admonished them of the danger to which they were subjecting themselves by their conduct.

The prisoners, notwithstanding these repeated warnings, refused or neglected to retire within the screen; whereupon the sentry discharged his piece, and Harcastle was mortally wounded, so that he died in a few hours.

It would appear, though it is not certainly established, that the sentry in firing aimed his piece at Pleasonton. The latter is alleged to have used insulting language towards the sentry, and to have been particularly demonstrative in his disregard of the directions of the latter.

It further appears, that prior to the occurrence of May 25, Harcastle had repeatedly disobeyed the orders both of Mr. Wood and his subordinates by conduct similar to that which has been described, and by communicating from above the screen with persons outside; and, moreover, that ever since the commencement of his imprisonment, he has been in the habit of disregarding the rules presented for the government of the prison. It is represented, in fact, by Mr. Wood, that Harcastle had, in conjunction with one James, become so regardless of discipline as to render it necessary to place them both in close confinement. It was not until James had been sent to Richmond for exchange that Harcastle was removed to the room which he occupied at the time of his death.

Under all the facts, as they appear in evidence, it is submitted that the life of Harcastle cannot justly be held to have fallen a sacrifice to a "rough and unmerciful system of prison discipline," but rather to have been forfeited by his persistent neglect to observe a necessary and salutary rule established in the prison, (with his full knowledge,) and after repeated warning of the probable and legitimate consequences of his behavior in this regard. And it is conceived, therefore, that neither the sentry, who in firing obeyed the orders of his officer, nor the inferior officer, who imparted these orders, nor the superior who issued them in the first instance, can be deemed responsible in any way for Harcastle's death.

Nor is it necessary to excuse the rule in question on the ground of the "unsuitableness or the overcrowded state of the prison." Such rule, or a similar one, would have been found necessary in any military prison similarly situated.

It is represented that these screens allowed ample light and ventilation for the rooms, so that there could have been nothing to complain of in their erection, except on the part of prisoners who were thus more effectually prevented from holding communication with friends outside, or from gratifying their curiosity by observing what occurred beyond their prison walls.

In fine, the belief is confidently entertained that when the facts above set forth (resulting from a recent and thorough investigation of the affair) are brought to the knowledge of her Majesty's government, the prisoner (Harcastle) will be viewed as the victim of such a casualty as may at any time be apprehended by one who has placed himself in the wrong.

For the purposes of this inquiry, it is not deemed at all important to determine whether the shot was, in fact, aimed at Pleasonton or Harcastle, since the latter, at the moment of the firing, had incurred precisely the same guilt as the former, and by placing himself defiantly in the position which he occupied must be regarded as having wantonly thrown his life away.

Respectfully submitted.

J. HOLT,
Judge Advocate General.

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS MILITARY DISTRICT OF WASHINGTON,
Washington, D. C., August 31, 1863.

SIR: Herewith I have the honor to transmit, for your information, copies of the papers heretofore sent from these headquarters, including the report of Captain Mix, in relation to the death of John Harcastle, a prisoner of state, confined in the Carroll prison.

The copy of the communication of the British minister commenting on the case is also respectfully returned with the following report :

In view of the serious charges contained in that communication, expressed in the statements "that the liberty of a British subject was interfered with, without any serious cause, and in apparent breach of good faith; that his life was carelessly sacrificed by the accidental result of a rough and unmerciful system of prison discipline," I respectfully call your attention to the facts bearing on these points.

Captain Mix reports that the sentinels were instructed to warn all persons to keep their heads within the windows, and if the prisoners persisted in disobeying, to fire their pieces. But Captain Mix also explains that the bars of the windows had all been cut away by the prisoners, and had been replaced by plank screens, which projected eighteen inches from the sills of the windows, and rose four feet above them. This arrangement, while affording light and ventilation to the prisoners, completely excluded them from the view of persons passing in the street below, and from communication with them, except when the prisoners mounted on the sills of the windows and placed their heads over the screen, a position which was quite outside of the prison walls, insecure, and calculated to excite disorder in the street. The piece of the sentinel was discharged at a prisoner who not only persisted in occupying one of those screens or boxes after repeated warning that he must retire, but was using insulting language to the sentinel. Harcastle, as I am informed and believe, was outside of the prison walls, within the screen at the same time, which explains the fact that the shot took effect on his person.

I have already explained in a former report why it has been necessary to make temporary use of the Carroll place as a prison, and the reasons for interdicting communication between prisoners and the passengers in the street. To that report I respectfully refer. Submission to the order excluding prisoners from the screens has been, and is, indispensable to secure them in confinement, and prevent public disorder in the city, now occupied as the chief military depot in the United States. It is the enforcement of that submission by firing at an offender, in a case where resistance had been persisted in, accompanied by insult to the sentinel, for half an hour, which the British minister has presented as the accidental result of a "rough and unmerciful system of prison discipline."

I assume that the apparent breach of good faith, alleged by the British minister, consists in detaining Harcastle in confinement after receiving him through the rebel lines under a flag of truce.

In my report of the 15th of June, ultimo, I made no reference to the reasons for the detention of Harcastle. No explanation on that point was required or deemed pertinent. He was received at Falmouth, Va., under a flag of truce, on or about the 16th of April, 1863, and was forwarded in arrest to the provost marshal of the army of the Potomac to the provost marshal at Washington, together with papers found on his person, describing him as a British subject, and with a communication calling attention to a fact apparent in the papers tending to discredit their genuineness. The effort to prevent intercommunication for improper purposes across the lines of our armies would be abortive if the reception of persons under a flag of truce should be held to preclude detention for the purpose of further examination.

No stronger case than Harcastle's can be desired to illustrate this point, for, as will appear by the report of the prison superintendent, herewith transmitted, disclosures were made during his confinement tending to show that he had penetrated, without a passport from the United States government, through our lines into the rebel States, there to engage in employment as a pyrotechnist, and had actually rendered service to the rebels in that capacity. It was during a suspension of the examination of Harcastle, and before it was completed, that he

was accidentally killed. This is the detention which the British minister has presented as an "interference with the liberty of a British subject without any serious cause, and an apparent breach of good faith."

I have the honor to be, very respectfully, your obedient servant,

J. H. MARTINDALE,
Brig. Gen. and Military Governor.

Hon. E. M. STANTON,
Secretary of War.

OLD CAPITOL PRISON,
Washington, D. C., August 29, 1863.

SIR: Agreeably to your request of yesterday I have the honor to report in the case of the late Mr. John Harcastle, as follows:

From the rules and usages of the prison, it has been customary for me to hold frequent communications with the prisoners on subjects connected with their confinement, which fact can be clearly established by the records of the prison. In the latter part of April or beginning of May last Mr. Harcastle informed me that he was a British subject, residing in the United States about eight years, eight months of which he had recently spent in the rebellious States; that he was a pyrotechnist; that his sympathies were with the south, and that nearly every Englishman he had there met with regarded the southerners as of their own kindred, free from the plebeian proclivities of the conglomerated mass composing the inhabitants of the northern States; that he had run the blockade and visited Charleston, Savannah, Richmond, and other southern cities, and contributed by his knowledge and experience in the getting up of the torpedoes in Charleston harbor, and frequently boasted of the magnitude and impregnability of its defences. He stated that he left Richmond in April last, and obtained a pass from General Winder, indorsed by General Lee, to carry him to our lines, and that he had no authority from the United States government to enter or leave the Confederate States; that he came to Fort Conway, *via* flag of truce, and was taken to the headquarters of General Patrick, Provost Marshal General of the army of the Potomac, who forwarded him to Captain Todd, provost marshal of Washington city, by whom he was committed to my custody.

His appearance was respectable and genteel, and, as in all such cases of British subjects, I treated him with the same kindness and courtesy as that bestowed upon United States officers in my custody.

I was not long in ascertaining that Mr. Harcastle belonged to that class of Englishmen who had been piloted through our lines by certain parties, whose headquarters are in Baltimore, and of the existence of which the detective department is fully aware, having had prisoners in my charge of the same class, among whom were Captain Winn and George A. Lawrence, stated visitors at the Baltimore club-house, the headquarters where all the preliminary arrangements are made for such persons to depart and enter our lines.

Major Turner, judge advocate of the War Department, requested me to extend extra attention to Captain Winn while in my charge, which I fully complied with, and the liberties and privileges thus bestowed upon him were taken advantage of, and he effected his escape from the prison. For the escape of this prisoner I was censured, which determined me to exercise extra precautions with that class of prisoners in future. About the time of Mr. Harcastle's imprisonment, a notorious character named James was also incarcerated, who together, on all occasions, openly and persistently violated the rules and discipline of the prison. You are well aware of their tenor. The health of the prisoners, the cleanliness of the apartments, and the treatment they usually receive, have been

generally spoken of in the highest terms by all who have ever been under my care. One of your staff officers makes weekly and special inspection of the prison and the prisoners, and announced to them that all causes of complaint, no matter of what character, will be investigated and removed upon written application to the judge advocate, or other members of your staff.

The continued violation of the rules, &c., by Harcastle and James caused them to be confined together in close confinement. James was soon after sent to Richmond for exchange, and Mr. Harcastle removed to a front room, No. 32, one of the most pleasant and comfortable rooms in the prison.

For the purpose of ventilation a wooden frame-work was made to extend from the front windows, and of sufficient height to prevent communication with parties in the street.

In violation of frequent instructions from myself and others under me, the prisoners in this room were in the habit of extending their bodies beyond the lines of these frames and the front of the building, and communicating with parties on the outside. The negligence of the sentinel on that post, in permitting this violation, was complained of to the officer of the guard by myself but a day or two previous to Harcastle's death. On that morning I came from the Old Capitol prison, in company with Captain Mix, and saw the prisoners in that room protruding their heads beyond the top of the wood work, and some 18 inches beyond the line of the building. The sentinel on duty (now a prisoner in my custody) politely requested them to retire to the proper distance inward, which they disregarded, and commenced to argue with him as to their rights, &c. I called the attention of the prisoners to their impropriety, and urged them to obey the sentinel, as he (the sentinel) had no discretionary powers of delay or argument, and stated that were I on duty at his post I should certainly enforce my command by shooting at them. The officer of the keys also went to the room door and warned them of their danger. The continued disregard on the part of the prisoners of all these warnings and instructions no doubt led to the death of Mr. Harcastle, in the manner and form already made public.

Trusting this statement meets your approbation, I have the honor to be your obedient servant,

WILLIAM P. WOOD,
Superintendent of Old Capitol Prison.

Brig. Gen. MARTINDALE,
Military Governor.

Lord Lyons to Mr. Seward.

[Immediate.]

WASHINGTON,
Wednesday night, November 11, 1863.

MY DEAR SIR: Persons hostile to the United States, who have sought an asylum in Canada, appear to be engaged in a serious and mischievous plot. Indeed, if the information which has reached the governor general be correct, they have a project for invading the United States, and attacking and destroying the city of Buffalo. They propose to get possession of some of the steamboats on Lake Erie, to surprise Johnston's island, and set free the prisoners of war who are confined there, and to proceed with them to attack Buffalo. The governor general suggests that steamboats should be watched, and he appears to have some suspicions connected with Ogdensburg. He has taken all the precautions in his power; has ordered a sharp lookout to be kept on the Wel-

land canal, and desired that any steamboat giving cause for suspicion by the number or character of the passengers on board shall be arrested.

You will excuse my disturbing you so late. The information has only just reached me by telegraph, and it may be important that you should know it without delay.

The governor general authorizes me to communicate it to you.

Believe me to be, my dear sir, your faithful servant,

LYONS.

Hon. WILLIAM H. SEWARD.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 12, 1863.

MY LORD: I have the honor to acknowledge the note which was sent to me by your lordship at a late hour last night, apprising me, at the request of his excellency Lord Monck, the governor general of Canada, of a rumored plot to disturb the peace and security of the lake frontier. After thanking you, in the name of the President, for information conveyed in so just and liberal a spirit, I have now to state to your lordship that the necessary measures have been taken to defeat the criminal enterprise to which I have alluded. Major General Dix will at once repair to the frontier, and take charge of the execution of these measures. Solicitous that they may be conducted in perfect comity and respect towards her Majesty's authorities, I have, by the President's direction, requested the honorable Preston King to visit Lord Monck, and to confer with him upon the subject, so as to secure a perfect understanding between the governor general and the agents of the United States. I will esteem it a favor if you will communicate to him the facts I have stated and the views I have expressed in this note.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.

Lord Lyons to Mr. Seward.

WASHINGTON, November 21, 1863.

SIR: Her Majesty's government have had under their consideration the note which Mr. Stuart had the honor to address to you on the 24th September last respecting the case of the Labuan, as well as the reply which you were so good as to make to that note on the 30th of the same month.

Her Majesty's government cannot regard the conduct of the district attorney at New York, with respect to procuring *ex parte* evidence from Matamoras, as consistent with the terms of your note to me of the 9th April last; nor can they consider this proceeding as one in accordance with the usual practice of prize courts. Her Majesty's government are advised that, according to that practice, evidence might properly be admitted before commissioners appointed by the court, limited to the purpose of ascertaining the amount of damages really sustained; but after sentence upon the merits in the principal cause, to allow fresh evidence to be admitted as to the principle and law of the case, to which alone the evidence suggested by the district attorney would seem to apply, is, her Majesty's government believe, without precedent in the practice of prize courts, either in England or in America, and fraught in the present case with manifest injustice.

Her Majesty's government have throughout maintained the position that the peculiar circumstances of this case rendered it an affair between the two governments, and it was pointed out to the government of the United States that to refer the case to the prize court would be attended with no other consequences than an increase of costs and expenses, and the infliction of the further injury of delay in redress to the claimants.

Under these circumstances, I am directed to state to you that though the question of the *amount* of damages may be open to further evidence, her Majesty's government consider that the principle is not open to controversy, and, consequently, that the evidence which it is proposed now to adduce is wholly irrelevant; and I am desired to add, that her Majesty's government much regret, after all that has passed, the additional injury of further delay thus inflicted upon the claimants, which appears to them to be without justification or excuse.

I have the honor to be, with the highest consideration, sir, your most obedient, humble servant,

LYONS.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Lord Lyons.

DEPARTMENT OF STATE,

Washington, November 25, 1863.

MY LORD: I have the honor to acknowledge the receipt of your lordship's note of the 21st of November instant, by which I am informed of the views of her Majesty's government on the proceeding of the United States district attorney at New York in procuring additional evidence concerning the amount of damages in the prize case of the steamer Labuan.

Her Majesty's government already understand that damages, in the case of the Labuan, can only be paid by the executive department of this government when an appropriation shall have been made for that purpose by Congress. They have also been informed of the grounds on which the Executive deems it important to have an assessment of the damages made by the prize court in New York, to aid in forming the Executive judgment as to the amount which Congress shall be asked to appropriate. I am not able to agree with her Majesty's government in the apprehension that injustice is likely to result from the admission of such additional evidence as the district attorney proposes to obtain. But it does not belong to me to determine now what evidence the district attorney shall offer or shall withhold from the prize court when it comes to assess the damages, although, on a review of the assessment, I think it will be pertinent for me, under the President's directions, to scrutinize the evidence on either side, and upon every possible suspicion favorable to the administration of equal and exact justice. For the present I can do no more than to submit the objections of her Majesty's government to the consideration of the prize court itself, so that they may have their just weight in the judicial tribunal. Having done this, I shall reserve special consideration of them, on my own part, until the prize court shall have rendered its decision upon the damages in question. I cannot willingly believe that this course will prove unsatisfactory to her Majesty's government.

I have the honor to be, with high consideration, your lordship's obedient servant,

WILLIAM H. SEWARD.

Right Hon. LORD LYONS, &c., &c., &c.



